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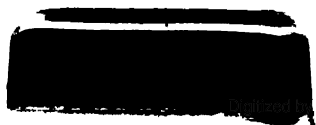
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The
Political Evolution
of the
Hungarian Nation

BY

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TO
AN 'AUSTRO-HUNGARIAN'
MY WIFE

PREFACE

THIS book in no sense claims to be a history. Within the compass of two volumes it is hardly possible to do more than give a general view of the gradual development of a nation which can boast a thousand years of constitutional existence. The greater part of the first volume should be regarded merely as an introduction to the succeeding pages which deal with Hungary's political *renaissance*, with the events of 1848, with the juridical relations of Hungary to Austria, and with the circumstances which attended the creation of the dualism of to-day. The last two chapters are intended to facilitate the comprehension of certain problems which are of more than local interest. If, as I hope will soon be the case, one of the historical authorities of Hungary (my indebtedness to whose works has been inadequately acknowledged in the limited space available for foot-notes) finds time to write an exhaustive history of his country for the special benefit of English readers, my labours will be sufficiently rewarded if the present work receives mention as a serious attempt to lift a corner of the veil which ignorance of the Hungarian language necessarily interposes between the British public and the only reliable sources of information as to the growth and nature of the political institutions of the Magyars.

C. M. K.-H.

Hungaria . . . cum Partibus adnexis Regnum liberum, et relate ad totam legalem Regiminis formam (huc intellectis quibusvis Dicasteriis suis) independens, id est nulli alteri Regno aut populo obnoxium, sed propriam habens Consistentiam et Constitutionem, proinde a legitime coronato haereditario Rege suo, adeoque etiam a Sua Majestate Sacratissima, successoribusque ejus Hungariae Regibus, propriis Legibus et Consuetudinibus, non vero ad normam aliarum Provinciarum . . . regendum et gubernandum.—LAW x. 1790-91.

Rex habet superiorem, Deum. Item Legem per quam factus est Rex. Item Curiam suam.—BRACTON.

The Political Evolution of the Hungarian Nation

CHAPTER I

"LET not vanity deceive us ; it is the fact that Europe is scarcely aware of our existence, and that many an African settlement is better known than our country, which foreigners regard as a productive but uncivilised colony of Austria." These words are almost as true to-day as when they were spoken by Deák more than sixty-five years ago. There are many educated people in England who believe that Austria is a homogeneous nation speaking a mysterious "Austrian" language ; while Hungary, to whom "a venerable monarch, rendered wise by experience and benevolent by misfortune," has conceded some measure of local autonomy in order to satisfy the unreasonable demands of a turbulent population, is occupied by a gipsy race which justifies its existence by its ability to provide weird music for the postprandial delectation of cosmopolitan plutocrats. The better informed, who derive their knowledge of Hungarian history solely from prejudiced German and Austrian sources, are hypnotised by the legend that nothing but affection for the aged Emperor prevents the disruption of the polyglot congeries known as the Austrian Empire, and see in every act of assertion of Hungary's historic rights a parallel to the act of a maniac who, from motives of conceit or

revenge, would amuse himself with lucifer matches in a powder-magazine. Even the Press will, from time to time, speak of the Golden Bull, the Pragmatic Sanction, and the Compromise of 1867, each in turn, as having conferred a Constitution on Hungary. Little wonder, therefore, that the position of affairs in the Dual Monarchy and the justification of Hungary's attitude with regard to certain questions are so misunderstood, a reasonable comprehension being impossible without some knowledge of the gradual development of political institutions which are as old as, or older than, the British Constitution.

As Guizot says, "l'histoire est essentiellement successive . . . un peuple a beau renier son passé, il n'est pas en son pouvoir de l'anéantir ni de s'y soustraire absolument, et bientôt surviennent des situations, des nécessités, qui le ramènent dans les voies où il a marché pendant des siècles," and this is perhaps more true of Hungary than of any other nation. The Hungarian Constitution, which has been obscured at intervals, violated at times, and suspended for a period, only to prove its indestructibility, is the product of no charter or fundamental statute, but is the result of a slow process of development, of a combination of statute and customary law which finds its nearest parallel in Great Britain. It is remarkable that two such different races should have proceeded on such similar lines as the Anglo-Saxon and the Asiatic people, which, both as regards language and primitive institutions, introduced an entirely new element into Europe. The four blows with the sword directed, at his coronation, to the four cardinal points, by every Hungarian king down to Francis Joseph are an emblem and a recognition of the fact that the Magyar people has had to maintain itself by force of arms against the unceasing attacks of alien neighbours; and the fact that a few thousand wanderers from Asia were able to preserve their individuality and institutions in the midst of an ocean of Slavs, Germans,

and Turks, and obtained comparatively quickly a position of equality with members of the European family, argues the possession of exceptional military and political qualities, of exceptional cohesiveness, of a stoical capacity for endurance, and of a rooted confidence in themselves and in their future which no vicissitudes of fortune have been able to destroy. The alien jargon first heard by European ears twelve hundred years ago has maintained its existence in spite of the competition of German and Slav dialects, of deliberate discouragement and temporary neglect, and has developed into a language which, for fulness and expressiveness, for the purpose of science as well as of poetry, is the equal if not the superior of the majority of European tongues. Palacky, the great Czech historian, expressed the opinion that "the invasion and definitive establishment of the Magyars is one of the most important events in the world's history. Slavdom never received a more fatal blow during its existence of several thousand years. It extended in the ninth century from the borders of Holstein to the Peloponnesus . . . and the Magyar by driving a wedge into the heart of the state in process of formation destroyed it, and therewith all the hopes of the Slavs." A people which has rendered such services to the cause of European equilibrium, which stood for centuries as the *antemurale clypeusque Christianitatis* between the Turk and the Western nations, and has shown such vitality and persistency in the past, is the chief defensive force to be reckoned with in the future should, as some fear, a graver danger arise to the balance of power in Eastern Europe than was ever presented by the spectre of Panslavism.

Research and speculation as to the origin of the Hungarian race has on the whole been singularly barren of positive results, and the conflict of opinion as to whether the Magyars were Ugro-Finns who acquired certain Turkish customs, or Turks who adopted Ugro-Finnish

habits, is probably of little interest to English readers. The very origin of the names Hungarian and Magyar is uncertain. Jordanes, who wrote in Constantinople about the year 550, refers to the Hunugurs as one of the Hun tribes inhabiting Scythia or the great Sarmatian plain in the neighbourhood of the Volga ; and Theophanes in his *Chronographia* of even earlier date speaks of Muagyer, possibly the primitive form of the name Magyar, as king of the Huns.¹ The earliest Hungarian writers² agree as to the Hunnish origin of the race, and the anonymous scribe or secretary of King Béla III. states that it migrated to Pannonia, having heard that that country formerly belonged to Attila, the ancestor of Árpád.³ On the other hand, the Emperor Constantine Porphyrogenitus,⁴ who presumably had access to the best contemporary sources of information, says that the migration westward was the result of attacks by a neighbouring tribe, the Patzinakites (Bessenyők), which necessitated the discovery of a new habitation. Professor Vámbéry⁵ believes that the Hungarians were Turko-Tartars, and both Arab and Greek writers, including the two emperors Constantine and Leo VI.,⁶ agree in regarding them as a branch of the Turkish race. Further, the oldest proper names Árpád and Zoltán are undoubtedly of Turkish origin. One thing seems sure, namely, that the earliest

¹ Marczali, "A Vezérek Kora," in *A Magyar Nemzet Története*, i. 8, Budapest, 1898.

² (a) "Anonymus de gestis Hungarorum," circa 1250, in Endlicher's *Hungaricarum rerum Monumenta* ; (b) Kézai, court priest of László IV., circa 1282, *Gesta Hunnorum et Hungarorum*, Endlicher, p. 83 ; (c) *The Vienna Illustrated Chronicle*, written in 1358 by a Minorite friar, Mark. Comparison of (b) and (c) shows that both were derived from an earlier source unknown to Anonymus.

³ Anonymus, ch. v.

⁴ *De Administrando Imperio*, ch. xxxvii., circa 950, in Marczali's *A Magyar Történet Kézfőinek Kézikönyve*. (*Enchiridion Fontium*), Budapest, 1901.

⁵ *A Magyarok Eredete*, 2nd ed., Budapest, 1882, 24 sqq. 197-199. *A Török Faj*, Budapest, 1885, p. 95.

⁶ *On Military Tactics*, ch. xli., circa 890. *Enchiridion Fontium*, p. 14.

definite home was in the neighbourhood of the modern Uralsk and Samara, abandoned, in or about the year 700, in favour of Lebedia, the district between Astrakhan and Stavropol, where a stay of about a century was made prior to the final migration westward. From Lebedia, according to Constantine (ch. xxxviii.), part of the tribes went towards Persia, in which statement he is supported by the Pressburg *Chronicle* of the fifteenth century,¹ which says that some of Nimrod's posterity—the Hungarians—“inhabited a district of Persia and resembled the Huns in figure and complexion, but differed from them somewhat in speech, only however to the extent to which Saxons differ from Thuringians;” and it is a fact that there are Persian elements in the Hungarian language. The spilling of blood at the taking of an oath referred to by the anonymous writer² curiously recalls the Parthian custom,³ and a fourteenth century account⁴ of Hungarian military tactics exactly corresponds with the classical description of Parthian methods.

One of the most interesting theories is that mentioned by Pauler,⁵ who identifies the Hungarians with the Bashkirs, believing them to have retained the original Bashkir language, while those of their fellow-tribesmen who did not take part in the exodus lost it. The theory depends to a considerable extent on the degree of trustworthiness attributable to the account which a Dominican friar⁶ gives of his wanderings in 1235, who alleges that he found between the Caucasus and the Volga a people

¹ *Chronica minora*, ed. Flórian, p. 2.

² Endlicher, *o.c.* p. 8.

³ Tacitus, *Annals*, xii. 47: “Mos est regibus quotiens in societatem coeant implicare dexteras pollicesque inter se vincire, nodoque praestringere: mox ubi sanguis in artus se extremos suffuderit, levi ictu cruorem eliciunt atque invicem lambunt. Id foedus arcanum habetur quasi mutuo cruore sacratum.”

⁴ Matteo Villani, *Croniche*, vi. 54. *Enchiridion Fontium*, p. 225 199. : “La loro guerra non è in potere mantenere campo, ma di correre e fuggire e cacciare saettando le loro saette, e di rivolgersi e di ritornare alla battaglia.”

⁵ *A Magyar Nemzet Története Szé. Istvánig*, p. 241 199. Budapest, 1900.

⁶ *De facto Ungariae Magnae a Fratre Ricardo inventae*, Endlicher, p. 252.

“whose language was completely Magyar,” who knew that the Magyars were of like origin with themselves, and that they had gone westward, but were ignorant of their actual habitation. Vámbéry¹ does not believe in Brother Julian’s description, and says that it is full of geographical inaccuracies; but it is curious that the *Chronicon Dubnicense*² of 1358 describes Scythia as divided into three kingdoms, one of which is Bascardia; that Arab writers refer to the Magyars as Badzsgerd; and that when in 1848 Cossacks from the Ural came to Hungary they invariably called the Hungarians Bashkirs.³ It need scarcely be said that the early chronicles, though to some extent confirmed by outside sources of information, have no claim to be considered as containing more than a grain or two of historical truth⁴; they are, however, interesting as showing the views entertained by the Hungarians of the thirteenth and fourteenth centuries as to their origin and early history, and the nature of the family legends from which such opinions were undoubtedly derived.

As regards the early organisation of the tribes, we are perhaps on more solid ground, as our information is derived from a period when feudalism was firmly established in Europe, and if our authorities had merely drawn on their imagination for a description of the primitive political system of the Magyars, it is not likely that they would have given us a picture so widely different from that presented by the contemporary institutions of other countries. It appears that the nation consisted of

¹ *A Magyarok Eredete*, p. 112. See also *A Török Faj*, p. 610 sqq.

² Ed. Flórián, p. 9.

³ Marczali, “A Vezérek Kora,” in *A Mag. Nem. Tört.* i. p. 34, citing Reclus, *Géographie Universelle*. Count Eugene Zichy, as the result of his travels and investigations in the Caucasus, Siberia, the desert of Gobi, and elsewhere, believes that the Magyars originally came from North China and settled near the Volga and the Caspian in the second or third century A.D.; also that they kept quite distinct, ethnically, from Turks and Finns, but that they were undoubtedly influenced by the customs and language of both races.

⁴ See Hunfalvy Pál., *Magyarország Ethnographiája*, Budapest, 1876, 283.

seven tribes, the names of which have been preserved by the Emperor Constantine,¹ and one hundred and eight families ;² the tribes, each under its own voyvode,³ or military leader, being separate entities for all purposes, united only by the tie of common origin and language, and by the necessity of holding together for attack and defence, and "having no fortified camps like the Romans, but living as scattered tribes and families for grazing purposes until the day of battle."⁴ There was no king or archon ; but apparently at an early date two common officials were elected by the tribes in general meeting—the kadar⁵ or karkhasz,⁶ and the gyula or gyűlasz⁶—both judicial officers, and identical with the Rectors referred to by the anonymous scribe as having been appointed for the purpose of "settling the disputes of litigants in accordance with customary law." From their decisions an appeal lay to the general assembly of the tribes,⁵ which could not only revoke an unsatisfactory decision or excessive sentence, but "could, depose the erring Rector and captains at pleasure" ; from which perhaps we may conclude that Constantine, who states that the gyűlasz was superior to the karkhasz, was mistaken in supposing that there were two judges ; for gyűlasz looks suspiciously like *gyűlés*, the Hungarian word for the general meeting to which, as we have seen, an appeal lay. Verbőczy,⁷ the codifier of the Magyar customary law (1514), says that "in old days, while the Hungarians still lived under tribal organisation, the exclusive power of making laws and statutes was vested in the people," which, according to a chronicle⁸ already quoted, was summoned together by a herald

¹ *De Administrando Imperio*, ch. xl., one of them *Μεγίστην*, query Magyar ; Hungarian writers of the seventeenth century use the form Magyarî for Magyar. Marczali, "A Vezérek Kora," in *A Mag. Nem. Tört.* i. 46 n.

² Kézai, Endlicher, p. 88.

³ *De Admin. Imp.* ch. xxxviii.

⁴ Leo, ch. lii.

⁵ *Chronicon Dubnicense*, A.D. 1358, ed. Flórián, p. 9.

⁶ *De Admin. Imp.* ch. xl.

⁷ *Tripartitum opus juris incliti regni Hungariæ*, ii. 3.

crying, "Hear the voice of God and of the entire community. Every man is to appear armed in such and such a place, and punctually at such and such an hour, to hear the commands and the considered will of the people"; and he who failed to obey the summons without valid reason was cut in two, or sent on a forlorn hope (*ire in desperatas causas*), or reduced to slavery.

When the great westward migration was decided upon in or about the year 890, necessitating a closer union and unity of leadership, the tribes under their seven captains held a general meeting at Etelköz (*i.e.* the parts near the Etel or Volga), elected Árpád, son of Álmos, their chief, and arrived at a compact¹ which, if in fact made, may be looked upon as the foundation of the Hungarian Constitution. It was resolved :

- (i) That so long as those present or their descendants should live, their chief should always be chosen from the family of Árpád.
- (ii) That whatever property their united efforts might obtain, no one of them should be excluded from participation therein.
- (iii) That as they had freely chosen Árpád as their chief, neither they nor their descendants should ever be excluded from the king's council, or deprived of their right to share in the government of the country.²
- (iv) That if any of their descendants should be unfaithful to the chief, and stir up strife between him and his relations, the offender's blood should be shed, even as blood was shed in the ceremony of taking the oath of fidelity to Árpád.

¹ Anonymus, Endlicher's *Monumenta*, p. 7. The 6th clause is added by Michael Horváth, *Magyarország Történelme* (revised edition, Pest, 1863) i. 21, n., on the doubtful authority of the Szekler *Chronicle*.

² This is Horváth's translation, perhaps hardly justified by the original, "nunquam a concilio ducis et honore regni privarentur."

- (v) That if Árpád or any successor should break the conditions of the compact, he should be for ever accursed.
- (vi) That he who refused to attend the meetings of the tribes should be cut in twain.

With regard to the controversy as to the authenticity of this document, it should be remarked that though the original does not exist, there is a copy extant which was made in the latter half of the thirteenth century, and that it contains a balder, more unadorned statement than might be expected from the pen of one disposed to glorify the past and exaggerate the importance of the early political institutions of his nation. Further, there is its non-feudal character, the absence of any reference to a graduated hierarchy, which one might expect to find in the work of a mediæval forger. Be that as it may, the fact is unquestionable that members of Árpád's family ruled in Hungary for over four hundred years; that the institution of the congregation of the tribes summoned for judicial purposes and for the decision of all matters of general interest, if not for the discharge of true legislative functions, existed long before the exodus from Lebedia, and continued till the establishment of monarchy by St. Stephen.

When Árpád and the seven tribal captains, each at the head of 30,750 men,¹ to whom an eighth tribe of Bolgars or Kuns attached themselves,² set out in quest of their new home, the northern part of the old province of Pannonia was occupied by the descendants of King Svatopluk, the founder of the great Moravian kingdom, while the district between the Tisza and the Danube and the mountains of Transylvania were inhabited by sparse bands of nomad Gepidæ, Avars, and mixed Slav tribes,³

¹ Petri Ransani Epitome, *Chronica minora*, ed. Flórián, p. 179.

² Pauler, *o.c.* p. 14.

³ Csuday, *Die Geschichte der Ungarn*, 2nd ed. p. 36.

incapable of serious resistance to a relentless invader. How far the occupation was effected by force of arms, and how far it amounted to no more than the seizure of vacant districts is unknown; in any case, by the end of the ninth century the Magyars were firmly established, roughly within the limits of their present territory. Tradition¹ says that as soon as the occupation was effective Árpád held a general meeting of the tribes at Pusztaszer, near the modern Szegedin, "and there he and his nobles arranged all the customary laws of the kingdom, and the rights thereof, and the conditions of obedience to the chief and his officials, and what punishment should be apportioned to each crime committed. There also the chief made grants of land, together with all the inhabitants thereof, to the nobles who accompanied him, and the place where all these matters were arranged the Hungarians called Scerii, for there the whole business of the kingdom was settled."² This is, at all events in one respect, inaccurate, for it is certain that there was no private ownership before St. Stephen's time, all land belonging to the tribe and reverting to it on the death of the temporary occupant. Further, it is obviously improbable that any cut-and-dried organisation or system of laws was arrived at, offhand, by a predatory race, which, for a century after its appearance west of the Carpathians, was occupied in making itself a terror to all central and western Europe. Its first object of attack was Moravia, of which "it entirely extirpated the inhabitants" in 892," and between that date and 955, when an end was put to their incursions by the battle of Augsburg, the Magyars swarmed across Germany, the north of Italy, Provence, Burgundy, Aquitaine, and the Lowlands. It is known that fortified camps were established in numerous districts, the governorship of

¹ Anonymus, ch. xl.

² "Scerii, Pusztaszer, szerződni," to make a compact.

³ Constantine, *De Admin. Imp.* ch. xli.

which was hereditary till monarchy was established, and it is possible that the anonymous writer, in speaking of grants of land, referred to the forts and to the land adjacent thereto enjoyed by the governors in virtue of their office. Beyond such organisation for purposes of defence, it is improbable that any great alteration was made in the system, or want of system, which had existed in the old home, and in fact continued unchanged for a century or more in Transylvania.¹ Chiefs of the house of Árpád continued to be elected, and the kadar, karkhasz, or karkhan, to perform his judicial functions,² until, with the cessation of warlike enterprises and the consequent slackening of the loose ties which bound the tribes together, the population scattered, and it became impossible for a single judge to perform his duties effectively. The only court of appeal and political authority was the nation in arms, which no doubt found justice and preponderance of logic to be on the side of the party whose supporters shouted loudest and presented the more threatening appearance.

With the introduction of Christianity the picture changes. St. Stephen is generally credited with having effected the conversion of his people, but it is a mistake to suppose that he had only to say the word to induce the acceptance of the new doctrines. On the contrary, conversion was a slow and, to many of the converts, a painful process. Bishop Piligrin, of Passau, is inclined to claim, in his letter of 974 to Benedict VI.,³ the credit for having converted the barbarians; but his emissaries, by their own showing, baptized no more than five thousand converts, and Géza, the father of St. Stephen, "the first of the Hungarians to believe in Christ,"⁴ was probably a

¹ Herczegh, *Magyar Jogiértéket*, p. 102, 9.

² Pauler, *o.c.* p. 25. The third law of St. Ladislaus, cl. 2, A.D. 1092, mentions a judge, "Sarchas nomine" ? Karkhasz.

³ Endlicher, *Monumenta*, p. 131 sqq.

⁴ Petri Ransani Epitome, *Chronica minora*, p. 181.

more effective missionary, as he did not hesitate to have recourse "armorum terroribus,"¹ and many noble Hungarians, "baptismum fidemque respuentes," were reduced to a menial position.² Seventy years later King Béla summoned 'to his council two representatives, "possessed of the gift of eloquence,"³ from every village, who proceeded to justify their reputation by the form in which they couched their request that they might be allowed to revert to their pagan habits. "Let us stone the bishops, eviscerate the priests, throttle the acolytes, hang the tithe collectors, demolish the churches, and break the bells."⁴ Béla asked for four days in which to consider the matter, and while the first representatives of the elective principle in Hungary sang songs abusive of the faith, to the great satisfaction of the common people,⁵ collected a large force which dispersed the demonstrators, and put an end to the last open protest of any importance against compulsory conversion.

Compulsion was, no doubt, fully justified by considerations of expedience. Stephen was aware that there could be no future for Hungary unless it joined the family of Christian nations—an alien and pagan race would always be fair game for Christian, and especially for German, aggression. Christian Europe was purely monarchical, and the first king of Hungary could expect no fixity of tenure unless he qualified himself for alliances, matrimonial and otherwise, with established reigning houses by the adoption of the current religion. The opposition came from those who identified Christianity with foreign interference of Pope or Emperor, implying the loss of national individuality, if not of independence, and disliked the idea of opening the door to immigrants, bearers of western civilisa-

¹ *Chronicon Dubnicense*, p. 34.

² "Ad turpia servitia sunt detrusi" ; see also Bonfini, *Rerum Hungaricarum Decades*, Leipzig, 1771. Dec. ii. bk. 1. (1st edition, 1568).

³ "Facundiam habentes," *Chron. Dub.* p. 70.

⁴ *Ibid.* p. 72.

⁵ Horváth, *Magyarország Történelme*, i. 176.

tion whom Stephen was anxious to encourage.¹ It was fortunate for Hungary that both Pope and Emperor were so fully occupied during the eleventh century—the one with his claim to the disposal of the imperial crown, the other with his desire to control the election to the Holy See—that neither had time to turn his full attention to the new Magyar kingdom, which thus was enabled to consolidate and establish itself on a firm basis. Stephen's first step was to secure himself from the interference of German bishops, who claimed ecclesiastical jurisdiction over his kingdom, which nominally formed part of the dioceses of Passau and Salzburg, and from that of the Holy Roman Empire, the emperor of which considered himself the feudal head of Europe, and as such the sole dispenser of royal titles. This he did by applying to Pope Sylvester for sanction for the assumption of the crown of Hungary, who, glad of the opportunity of preventing the royal convert and his subjects from joining the Eastern Church, treated him with exceptional consideration, granted his request, confirmed him in his title, and, declaring that Stephen was a very apostle for having turned so many souls to Christ, gave him authority to have the cross borne before him as a symbol of apostolic rank.² Thus fortified, Stephen was able to set about the consolidation of his kingdom without fear of foreign inter-

¹ "In hospitibus et adventitiis tanta inest utilitas . . . diversas linguas et consuetudines diversaue documenta et arma secum ducunt quæ omnia regiam ornant et magnificant aulam . . . unius linguæ uniusque moris regnum imbecille et fragile est."—St. Stephen's "Institutio Morum," written for his son's benefit, § 6, in Marczali's *Enchiridion Fontium*, p. 65.

² Bishop Hartvig, "Vita S. Stephani Regis," twelfth century, in Endlicher's *Monumenta*, p. 173. The authenticity of Sylvester's letter has been disputed, but the fact remains that every king and one queen of Hungary has been styled "Apostolic Majesty." Fessler, *Geschichte der Ungarn*, calls it a "Kunstwerk des XVII. Jahrhunderts." See Szalay, *Magyarország Története*, Leipzig, 1852, i. 71, 199. Bryce's *Holy Roman Empire*, 1906 ed. p. 199 n., says, "Apostolic Majesty was the proper title of the King of Hungary. *The Austrian Court has recently revived it.*" It would be as correct to say that the Mikado has recently revived the imperial Chinese title of Son of Heaven.

ference. A lawgiver and organiser was wanted, not a military leader as in the past, and his first act was to destroy as far as possible the independent existence of the tribes, and to fuse them into a nation by encouraging the development of private ownership of land,¹ and by appointing his own officials to the governorship of the fortified places, and placing the foreign, non-Magyar, population directly under their control. The tribal divisions were maintained for military purposes only, and the old idea of the sovereignty of the people in general meeting assembled was thrown into the shade, though the recollection of the tribal congregations of old never died, and though the necessity of the people's assent to legislation was always recognised.²

Hungarian writers have claimed that the institution of the general meeting was at all times looked upon as possessing an authority equal to that of the King, but as will appear hereafter the assertion can hardly be justified. The people divested itself of the greater portion of its sovereign rights in favour of the monarch,—the personification of national unity,—retaining only the guarantee afforded by the elective nature of the monarchy, the principle that he whom the popular will had raised to the throne could be deposed by the same agency, and the fact that a nation in arms could always get the better of a would-be tyrant in the days which preceded the invention of gunpowder and the introduction of the professional element in warfare. The idea of the divine right of kings never existed at any period of Hungarian history; and if at any time the King arrogated any right not specifically conferred by law, the presumption was always, and, be it remembered, still is, against the validity of the claim. Theoretically, the ownership of all land was vested in the King, who consequently

¹ *St. Stephen's Laws*, bk. ii. 3.

² Verböczy, *Jus Tripartitum*, ii. 3, cited by law xviii. of 1635. Kmety, *A Magyar Kőzjog Tankönyve*, pp. xv. and 4, n., 3rd ed., Budapest, 1905.

succeeded to the possession of all land escheated on conviction of treason, and to the estates of all persons dying without male heirs.¹ Practically, he was the owner of all lands not otherwise definitely appropriated, the power to make grants of which was one of the chief causes of the firm establishment of the royal power and of its subsequent decadence. Theoretically he was the sole source of justice, and practically the sole source of legislation. The general meetings of the nation in fact continued, but it is evident that they were summoned from time to time for judicial purposes only, or for the purpose of publishing² the decrees issued by the King on the petition,³ or with the consent of the royal council, which consisted of his own nominees, and never had any effective control till the end of the thirteenth century.⁴ All officials were appointed by him, and to him alone were they responsible. He was the commander-in-chief, and could summon the nation to arms; but his power was limited by the fact that the obligation to serve was confined to home defence,⁵ and to service under the personal leadership of the King.⁶ His control was limited also as regards taxation; for the reason that taxes could be imposed only on foreign immigrants and on the remnants of the aboriginal inhabitants.

The rest of the population may be divided into three main classes: the bishops and other chief ecclesiastics, who, in the early days of Christianity, naturally had a preponderant influence in the King's council; the chief nobles—the descendants of former heads of tribes and families—from whom were selected the occupants of all official posts not monopolised by the clergy; and the mass of the

¹ St. Stephen, ii. 26.

² Law I. of St. Ladislaus, 1092, was passed "*cum testimonio totius cleri et populi*."—Preamble.

³ St. Stephen's Laws, bk. ii. cl. 2.: "*Consensus petitioni totius senatus*." Cl. xxv., "*decernimus nostrorum primatum conventu*"; but i. 6 says "*decrevisse nostra regali potentia*."

⁴ Law of 1298, cl. 23.

⁵ Golden Bull, cl. 7.

⁶ St. Stephen, ii. 43.

conquering race, all free and all noble, the lesser nobles or "gentry" of a later date, theoretically on a footing of absolute equality with the noblest, the richest, and the most powerful. Naturally, as the result of the abolition of collective ownership by the tribe, of the establishment of private property, and of the exercise of the royal prerogative of making grants of land to useful adherents, some became richer, some poorer, and a landed aristocracy arose ; but, nominally, no Magyar, unless deprived of his rights of nobility for treason to King or country, or for conviction of certain specified offences against the law, was either superior or inferior to his neighbour.¹ Every Magyar freeman was liable to military service, under obligation to attend the general meeting of the nation, and eligible for any office of state. The Hungarian nobility was no privileged caste, but was synonymous and co-extensive with the whole Magyar nation ; and it is essential to a comprehension of subsequent history that this fact should not be forgotten.

In the counties² into which the country was divided by St. Stephen for the organisation of home defence, the royal power was represented by the governors³ of the fortified towns, henceforth no longer hereditary officials, but nominated by the King, who naturally could not afford to run the risk of leaving the country's strongholds in the hands of ambitious and disaffected nobles. The military forces at the disposal of the governor were formed by poor nobles,⁴ who received land from the King in return for service in arms, the right to possession descending from father to son, but conferring no claim to the freehold, and being dependent on continuity of service. The rest of the lands in the immediate vicinity of the

¹ Verbőczy, *Jus Tripartitum*, i. 2, and law of 1351, cl. 11, "unâ et eâdem libertate gratulentur."

² Apparently forty-five at this period, *Vienna Chronicle*, ch. xlv.

³ Várispán, Comes Castri, Comes Parochiae or Provinciae. "Satrapa" in the document recording the union of the Transylvanian nations in 1473.

⁴ Kézai in Endlicher's *Monumenta*, p. 129.

town was held of the King by non-noble freemen, the descendants of such of the original inhabitants of the country as had been left in possession of their holdings, and had, possibly because they offered no resistance to the conquerors, avoided reduction to slavery.¹ These also were liable to military service, and, in addition, paid over, as a recognition of the *dominium naturale* of the King, half the proceeds of the land, of which one-third went to the governor and the remainder to the royal treasury. The great majority of this class eventually received rights of nobility, and so became freeholders merged in the Magyar nation and liable to military service on the same conditions as the rest of the nobles.² The remainder, with the development of the fortress and surrounding land into a town in the proper sense of the word, either sank in course of time into the general body of non-free peasants, or acquired burgess rights,³ as did the artisan class—personally free, but not land-owning, and the foreigners who settled in the neighbourhood for the purpose of trade. Thanks to the example of St. Stephen, who manumitted most of his slaves, slavery as an institution soon began to disappear, though it continued to exist to some extent to the end of the thirteenth century,⁴ and the majority of non-free peasants received allotments from their former owners in return for fixed payments and services, the difference between them and the free peasants consisting in the fact that the former were *adscripti glebae*, while the latter could migrate as they pleased. From this class of serfs sprang the great mass of the population, the *misera contribuens plebs*, which bore part of the burden of military service and nearly the whole of that of taxation, without having any share in the political rights of the rest of

¹ Timon, *Magyar Alkotmány és Jogtörténet*, 3rd ed., Budapest, 1906, 129 sqq.

² Timon, *o.c.* p. 146. Whole communes were occasionally ennobled in return for exceptional services rendered to the State.

³ Herczegh, *Magyar Jogtörténet*, Budapest, 1902, p. 70.

⁴ Timon, *o.c.* p. 148.

the nation down to the abolition of class privileges in 1848.

The people must have been aware of its own inherent weakness as aliens in a strange land, surrounded by nations which considered it to be hardly human, and believed it to be guilty of cannibalistic proclivities, or the transition from socialistic republicanism to a monarchic *régime* would not have been effected so easily. But the influence of Christianity and the prestige which St. Stephen enjoyed as Defender of the Faith gave him an authority which he would never have possessed merely as the elected chief of a notoriously undisciplined race. Hence the anxiety manifested in his laws to guarantee the interests of the Church, which, in return for his fostering care, encouraged the monarchical idea, and propagated the legend of the King's miraculous powers. Of the laws as they have come down to us,¹ the first book is almost entirely concerned with Church matters, the position of the bishops, their judicial powers with respect to matrimonial and ecclesiastical offences, the observance of the Sabbath and decent behaviour during divine service, and, what was no doubt far more important to the clergy, who, it must be observed, were members of the nobility in virtue of their office, and as such were liable to military service, made the payment of tithes compulsory, and sanctioned the exaction of one-ninth instead of one-tenth of all produce in the case of fraudulent concealment.² The exceptional position of the clergy was still further strengthened by the enactment that no layman's evidence should be accepted against a priestly wrongdoer³—a tacit encouragement to misconduct which had its reward when the doctrines of the Reformation found their way into Hungary. The second book deals with offences against the person and property,

¹ Endlicher's *Monumenta*, p. 310 sqq.

² "Si quis decimam suam abscondit novem det," II. xviii.

³ "Testimonium laici adversus clericum nemo recipiat," I. iv.

and the draconian severity of the penalties prescribed bears testimony to the condition of the country—disorderly, no doubt, but no worse than that which contemporary penal legislation proves to have existed in other parts of Europe. That there were other books is shown by frequent references in later laws to constitutional matters of which no trace remains in the existing series. The Golden Bull,¹ for example, and the law of Béla IV.² refer to the liberty granted by the sainted King, and Horváth³ believes that the lost books defined the composition and functions of the King's council, and regulated the local government of the counties. Hartvic⁴ says that after his coronation the King signed and published a decree in the nature of a "permanent treaty" between himself and his people, which looks like the prototype of the *diploma inaugurale* (or document signed by every king before his coronation) of a later date, and ordained that no one should be interfered with "*sine iudicii examinatione*"—an apparent anticipation of the celebrated clause of the Golden Bull. Further, it is known that he ordained that he and his successors should periodically visit the county towns in company with the bishops and chief nobles for judicial purposes, and that, as he could not visit them all every year, each county should elect two judges for the trial of minor offences, from whom an appeal lay to the King's Bench. Presumably all these matters formed the subject of legislation at the general meetings, or Diets as they are usually styled, of which he is known to have held several at Székesfehérvár, attended not only by the people at large, but by the bishops, the chief officers of state, and the governors of the fortified towns.⁵

¹ Preamble.

² 1267.

³ *Magyarország Történelme*, i. 128 sqq. See also Kovachich, *Vestigia Comitiorum apud Hungaros*, Buda, 1790, i. 17 sqq.

⁴ *Vita S. Stephani*, ch. x.

⁵ Kovachich, *Vestigia Comitiorum*, i. 30 sqq.

More light is thrown on the composition of these popular assemblies by the preamble of the first series of 1092. the laws of St. Ladislaus,¹ which, though they deal with secular as well as religious matters, are stated to have been passed by the "Holy Synod under the presidency of his most Christian Majesty, with all bishops and abbots of the kingdom, and all *optimates* (members of the royal council and other great officers), and with the *testimonium* of the whole clergy and people."² The preamble to the second series shows the existence of a true legislative assembly acting without special reference to the King, in fact in his absence: "We, the whole body of the chief nobles (*optimates*) of the Pannonian kingdom, held a meeting on the Holy Hill in the time of the most pious King Ladislaus, and took counsel as to how it might be possible to prevent the intentions of evil men and advance the interests of the nation, and ordained as follows."³ The third series begins simply with the words, "This they decreed and this they ordained," and the three books taken together show clearly that the days of independent royal decrees issued without reference to the wishes of the nation, constitutionally expressed, were over. On the other hand, they contain evidence of the confirmation of the power of the King as the paramount judicial authority, not only in lay but in ecclesiastical causes,⁴ and of his control of the executive. The bishops and lords—lieutenant of the counties govern the country in his name, and he punishes and rewards them according to their deserts.

Ladislaus may claim to have strengthened, by the laws which bear his name, the foundations laid by St. Stephen

¹ Endlicher's *Monumenta*, p. 326 sqq.

² Kovachich, *o.c.* i. 60.

³ *Ibid.*

⁴ Ladislaus's charter, given to the monastery of Somogy, "omnium bonorum consensu (the nobles so described sometimes) regalis est prohibitio ne quis mortalium praeter ipsum regem super res ecclesiae judicare praesumat." See Marczali's *Enchiridion Fontium*, p. 100 sqq.

of the royal power, of the Church, and of the local government of the counties; to have improved the administration of justice and enhanced the sanctity of private property. That the Diet was not more frequently summoned is probably due to the fact that the relations of society were too little complicated to require much legislative regulation. A few penal laws for the discouragement of disorder, and a few regulations for the maintenance of the dignity of the Church, its moral and material welfare, to purge it of undesirables, and compel the reluctant to attend, and pay for, its ministrations, sufficed for the needs of a country the inhabitants of which had but recently abandoned the nomad habits of their forefathers.¹

Like all previous legislation the laws of King Coloman, 1100. which, it should be noticed, are expressly stated to have been enacted with the consent of the King and of the entire nation, are chiefly concerned with the confirmation and extension of ecclesiastical privileges. Priests are to be subject to the control of none but their bishops (§§ 5, 6, 65), to whom is also given judicial authority over laymen in conjunction with a mixed tribunal of lords-lieutenant and other lay officials, in a court to be held twice a year for the benefit of those who, on account of distance or want of means, are unable to apply for justice directly to the King, and have reason to complain of the action of the local authorities. A strict system of subordination of each rank of ecclesiastics to its immediate superior in the hierarchy is established—the highest order

¹ Ecclesiastical legislation of the period deals, *inter alia*, with breaking the Sabbath and talking in church; penalty: prompt flogging in the porch and compulsory head-shaving (St. Stephen, bk. i.). Refusal to attend church, refusal to pay tithes, bigamy of priests (*i.e.* remarriage, Szalay, *o.c.* i. 187), bishops' refusal to abstain from unlawful cohabitation (St. Ladislaus, bk. i.). "Ut ydiote (illiterates) presbiteri non ordinentur; qui vero ordinati sunt discant aut deponantur." "Ut canonici in claustris et canonici in curia *litteratorie* loquantur."—*Decree of the Synod of Esztergom*, cl. 5, 6; Endlicher's *Monumenta*, p. 351. *N.B.*—The first mention of the official use of Latin in the law courts, of which so much is heard later.

being responsible to the King alone, whose independence of the Pope is guaranteed by insistence on the royal right of investiture, by the exclusion of papal legates from the kingdom unless their admission is expressly authorised by the King, without whose knowledge and consent all communication with the papal see is absolutely forbidden. That Hungary of the period was not looked upon with a particularly favourable eye by foreign ecclesiastics may be concluded from the unflattering account given by Otto, Bishop of Freising,¹ who passed through the country on his way to the Crusade, and lays claim to an omniscience worthy of a tourist of a later period. "Their language, manners, and customs are barbarous and brutal, so much so that Fortune is to be blamed, or rather the tolerance of the Almighty is to be marvelled at, for having handed over such a delightful country to such monsters—I cannot call them human beings. In one respect they imitate the intelligence of the Greeks, namely, that they never undertake any business of importance without long and repeated discussion . . . the nobles bring their own chairs to the King's court, and there they meet and deal with and discuss the affairs of State, and they do the same in their own houses in the cold winter days. They have such reverence for their King that they think it unlawful, not only to annoy him by open contradiction, but even to give vent to whispered abuse behind his back."

The period of obsequiousness described by the bishop did not last long, if it ever, in fact, existed. The strong monarchy founded by Stephen and buttressed by Ladislaus soon began to show signs of decay, caused by the rapid growth of a powerful landed aristocracy, both lay and ecclesiastical, due to excessive grants of land, privileges, and exemptions, made by weak kings to secure the support of the influential. The grantees soon manifested a tendency to emancipate themselves from the King's

¹ *Gesta Frederici Imperatoris*, i. ch. xxxi. circa 1150.

authority, to become great feudal lords, and to increase their power and wealth at the expense of the lesser nobles. Thus began the conflict which gave rise to the Golden Bull, and runs through the whole of Hungarian history down to the importation of the Habsburg dynasty. In order to preserve the independence of the mass of the nation and the authority of the Crown, it became necessary to protect the King from himself, rather than to protect the nation from royal encroachment on the popular liberties. Andrew the Second was the first King of Hungary to do what all others, with one exception, have since done—to take a solemn oath on his coronation to ^{1205.} observe and respect the rights and privileges of the people.¹ His own he could not maintain; and thus was brought about the alliance between King and people which finds its expression in the Golden Bull,² the main object of which was to preserve the authority of the Crown—the chief defence of the people's rights against oligarchical interference. Herein lies the difference between the Golden Bull and Magna Charta, its elder by five years, in which some have sought to find its source of inspiration.³ In the Hungary of the period no defence was necessary against royal encroachment or attempted autocracy; “in such a state of society as that which existed all over Europe during the Middle Ages very slight checks sufficed to keep the sovereign in order. His means of corruption and intimidation were very scanty. He had little money, little patronage, no military establishment. His armies resembled juries. They were drawn out of the mass of the people; they soon returned to it again, and the character which was habitual prevailed over that which was occasional. . . . Such a military force as this was a far stronger restraint on the royal power than any legis-

¹ Herczegh, *Magyar Jogtörténet*, p. 59.

² So called from the *aurea bulla*, or gold seal, dependent from it.

³ E.g. Szalay.

lative assembly. The army, now the most formidable instrument of executive power, was then the most formidable check on that power, . . . the legal check was secondary to that which the nation held in its own hands, . . . the guarantee is the opinion of a community of which every individual is a soldier. There were representative assemblies, but it was not necessary that those assemblies should meet very frequently, that they should interfere with the operations of the executive government, that they should watch with jealousy and resent with prompt indignation every violation of the laws which the sovereign might commit. They were so strong that they might safely be careless. He was so feeble that he might safely be suffered to encroach. If he ventured too far, chastisement and ruin were at hand. In fact the people generally suffered more from his weakness than from his authority. The tyranny of wealthy and powerful subjects was the characteristic evil of the times.”¹

The King's unfortunate marriage with Gertrude of Meran led to the importation of foreign favourites whose influence was intolerable in the eyes of the native noble. Bishop Berthold, the Queen's brother, a man of notoriously evil life, and other disreputable priests, showed a growing inclination to dispute the royal authority, to regard themselves as owing allegiance to none but the Pope, and to take advantage of the King's absence to make themselves masters of secular property. The office of the lords-lieutenant had again become hereditary, and, instead of suppressing the growing oligarchy, the

1219. King tried to purchase its support by perpetuating the results of usurpation, by issuing an edict which made all previous grants of lands and titles hereditary and irrevocable. The Diet had not been summoned for years. The more complete the independence, financial and military, of the great nobles, the less they cared for the constitu-

¹ Hallam's *Constitutional History*, i. 154 sqq.

tional rights of the nation. A number of *regna in regno* were formed. Local tyrants imposed their own taxes, issued their own debased coinage, exacted customs dues from foreign traders, and so paralysed the development of the country. Officials originally intended for the maintenance of the royal authority did most to undermine it. The King was so far stripped of the possessions which should have provided the funds necessary for national defence that he had to look for new sources of income. Fresh taxes were imposed; octroi duties were introduced; the price of salt, a royal monopoly, was raised; the currency was continually altered to the disadvantage of the holder;¹ and the collection of revenue was entrusted to Jews and other undesirables who made the position of the tax-payer intolerable. The King was even reduced to making excessive use of his "right of descent," *i.e.* of staying with nobles at their expense, a relic of old days when the Court had no fixed habitation, but moved about from place to place and judicial perambulations were a necessary institution. Signs of a daily intensified discontent became more and more manifest; local risings against petty tyrants proved the country to be on the eve of a general upheaval. Appealed to on a case of conscience, Pope Honorius advised the King that it was not only his right but his duty to revoke his unconstitutional edict at the expense of his oath, and to maintain the royal property and privileges intact.² Encouraged by the papal casuistry, the Archbishop of Esztergom, and other patriots, succeeded in stiffening the King's back, and inducing him to summon the Diet, and to issue the decree which later ages agreed in regarding as the fundamental guarantee of the liberties of the nation, though no such importance appears to have been

¹ Theodoric, *Life of St. Elisabeth*, quoted by Csuday, *Geschichte*, p. 235. Three new coins were issued in return for four of equal value withdrawn from circulation.

² Letter to the Bishop of Kalocsa, *Mag. Nem. Tört.* ii. 393, n.

attached to it by contemporary authorities. The later chronicles do no refer to it, neither is it mentioned by Bonfini ; and the fact is that it failed in its purpose, and practically was a dead letter till, three hundred years later, the *Jus Tripartitum* of Verböczy gave it a posthumous celebrity.

It is an entire mistake to suppose, as many apparently do, that Hungary became a constitutional monarchy by virtue of the Golden Bull. The Bull was, in the first place, the charter of the liberties of the lesser nobles, that is to say, of the mass of the nation—a confirmation or re-affirmation, as clearly appears from the text, of existing rights and of the old established principle of the equality of all Magyar freemen. In the second place, it was intended not to circumscribe the royal power, but to strengthen and protect it against the effects of its own feebleness ; to restore its former prestige, and revive the authority which the encroachments of the oligarchy had diminished. The essential difference between this document and the Charter, which made King John exclaim, “By God’s teeth, I will not grant them liberties which will make me a slave,” is apparent ; but the points of resemblance are equally striking ; and if Hallam’s words are true, that the Magna Charta is still the keystone of English liberty, that all that has since been obtained is little more than a confirmation or a commentary, and that if every subsequent law were to be swept away there would remain the bold features that distinguish a free from a despotic monarchy, a similar eulogium may be claimed for the Golden Bull. The document in question is a true charter, granted by the King without reference to the council, the prelates, or the nobles. It consists of a preamble, which explains the circumstances of its origin, and of thirty-one articles, of which the more important are set out below.¹

¹ For the full text see Marczali, *Enchiridion Fontium*, p. 133 sqq.

Whereas the liberties of the nobles (*i.e.* all freemen) and others,¹ as established by St. Stephen, have been diminished in many respects by the power of certain of the Kings, sometimes for the satisfaction of their anger, sometimes in consequence of their lending ear to the false counsels of evil men, or of pursuers of private gain; and whereas the nobles have often urged and entreated Us and Our royal predecessors to take in hand the reform of the kingdom; now therefore, as in duty bound, desiring to satisfy their petition in all matters, more especially inasmuch as no slight bitterness has often arisen between us which should be avoided in order that the dignity of the Crown may be more effectually preserved; and whereas the desired object can be attained by none better than by the said nobles themselves; We hereby confirm unto them and to all other Our subjects the liberties granted by the Royal Saint, and at the same time, as regards other matters pertaining to the reform and welfare of the State, declare as follows:—

- (i) That We bind Ourselves to hold a court² every year on the feast of St. Stephen at Székesfehérvár, unless prevented by some difficult matter or by sickness, and that if We Ourselves are unable to be present, Our Palatine shall be there without fail in Our stead to hear causes on Our behalf, and that all nobles who so desire may attend without let or hindrance.
- (ii) It is Our will that neither Ourselves nor Our Successors shall seize any noble, nor destroy him out of favour to any powerful person, unless he shall first have been summoned and convicted according to law.³
- (iii) That We will collect no tax and will exact no money payments,⁴ and will not visit, uninvited, the estates,

¹ Foreigners, clause xix.

² "Solemnizare."

³ Magna Charta, clause 39: "No freeman shall be taken or imprisoned or diseised or outlawed or in any way destroyed . . . unless by the lawful judgment of his peers or by the law of the land."

⁴ "Liberos denarios" paid by non-noble freemen, in recognition of the *dominium naturale regis* and by foreigners *pro libertate*. (Timon, *o.c.* p. 240, and clause 80 of Coloman's Laws; Endlicher's *Monumenta*, p. 370.) Clearly "without consent of the Diet" is implied in the case of non-clerical nobles. The tenants of the Church have, on the other hand, unconditional exemption. Clause 14, Magna Charta, evidently recognises the King's *right* to scutage and aids, but the assessment must be made by the general council.

houses, or villages of the nobles; and that from the Churches' folk we will collect no tax whatsoever.

- (iv) If any noble shall die without male issue, his daughter shall obtain one-fourth of his possessions; of the rest he may dispose as he pleases. If death shall have prevented his making such disposition, his near kinsmen shall inherit; but if he shall have no heirs whatever, his property shall devolve on the King.¹
- (vii) If the King shall wish to lead an army outside the kingdom, the nobles are not bound to go with him save at his expense, and shall not be tried by court-martial (for refusing to go) on his return. But if a foreign army shall come against the kingdom, all are bound to go with him. But should We Ourselves go in person with an army outside the kingdom, all lords-lieutenant of counties, or others who receive money from Us, are bound to accompany Us.²
- (viii) The Palatine may judge all our subjects without distinction, but he shall not determine the cause of any noble involving capital punishment or forfeiture of property without the King's cognisance, and he shall employ no substitutes save one judge in his own court.
- (ix) If foreigners, be it understood men of good standing, shall come into the kingdom, no office shall be conferred on them without the consent of the council.
- (xii) Neither the wives of those who die a natural death, nor of those condemned to death by legal sentence, nor of those who fall in battle,³ or have died in any other way, shall be defrauded of their dowry.⁴
- (xiv) If any lord-lieutenant shall not conduct himself in accordance with the dignity of his office, or shall despoil the people under his authority, he shall on conviction be publicly degraded and stripped of his office, and shall make restitution of that which he has extorted.

Clause xvi. forbids the granting of "whole counties" (*i.e.* hereditary lord-lieutenancies), or of any other offices

¹ *I.e.* no lord-lieutenant or other great noble has any feudal claim on the property of the nobles. The King alone is general heir.

² "Comitatus tenent vel pecuniam nostram," *i.e.* state officials.

³ "Duello," single combat (Horváth), but query.

⁴ Cf. Magna Charta, clause 7.

in perpetuity, in order to put an end to the attempted establishment of a feudal aristocracy. Clause xx. provides that tithes are to be paid in kind and not in money—a necessary provision at a time when the value of coins was continually changing, and a protection to the tithe-payer in view of the scarcity of metal currency. Clause xxiii. declares that new money shall not be issued at shorter intervals than twelve months. Clause xxviii. enacts that if any one has been legally condemned, no protection of powerful persons shall avail to protect him from the consequences;¹ and clause xix. that strangers,² of whatever nationality, are to be left in enjoyment of the privileges originally granted to them, and that Ishmaelites (Mohammedans) and Jews are not to be employed in the Treasury, or in the Mint, or in the collection of taxes, or in the control of the salt-monopoly.

And that these Our concessions and commands may stand and hold good at all times, during Our own life and the lives of Our Successors for ever, We have ordered the same to be committed to writing in seven similar documents, of which the first is to be sent to Our Lord the Pope for inscription in his registry; the second is to be kept by the Knights of St. John; the third by the Knights Templar; the fourth by the King; the fifth by the chapter of Esztergom; the sixth by the chapter of Kalocza, and the seventh by the Palatine for the time being, to the end that having this document ever before his eyes, he may never deviate in any respect from the terms thereof, nor allow the King, or the nobles, or any other person, to transgress the same, so that they may rejoice in their liberty, and that the obedience due to the Crown may not be withheld. We also ordain that if We, or any of Our Successors, shall at any time contravene the terms of this statute, the bishops and the higher and lower nobles of Our realm, one and all, both present and future, shall by virtue thereof have the uncontrolled right in perpetuity of resistance both by word and deed without thereby incurring any charge of treason.³

¹ Magna Charta, 40: "We will neither sell nor deny right or justice to any man nor defer the same."

² *Ibid.*, clause 41.

³ The somewhat similar right of resistance conferred by cl. 61 of Magna

This charter, which, it will be observed, not only ratifies and confirms the ancient liberties of the kingdom, while providing for the maintenance of the King's authority—the best guarantee of the immemorial equality of all free Magyars against the attempted establishment of a feudal oligarchy—but guarantees the personal liberty of the subject against the possibility of arbitrary punishment or imprisonment, introduces the principle of responsibility for official action, and raises the Palatine to the position of intermediary between the Crown and the people, of guardian of the nation's rights, and of keeper of the King's conscience.

There is, perhaps, a tendency to read between the lines of early legislation, to discover in it a fuller meaning than its authors intended it to convey, and possibly some commentators have been inclined to exaggerate the importance both of the Great Charter and of the Golden Bull; but, in any case, it is hardly too much to say that the latter enactment recognises, by implication if not expressly, the ancient popular right to regular legislative participation in the government of the country, and to the control of taxation and of the executive. It was intended to be, and was looked upon as a victory both for the Crown and for the lesser nobles, and as such it was expressly ratified and con-

Charta has given rise to the idea (entertained by Ladislaus Szalay among others, *o.c.* i. 294) that the Bull is derived from that document. A comparison of the two and of the circumstances which gave rise to them should suffice to refute the theory. Marczali, *Enchiridion Fontium*, p. 132, suggests that it was inspired by the laws of Aragon with which Hungary was connected by the marriage of King Emerich (Imre) with Constance, daughter of Alphonso II., but Beöthy (*Magyar Államiság Fejlődése Küzdelmei*, i. 44) points out that the charter of Aragon was considerably later in date. The "General Privilege of Aragon" is dated 1283, and the right of maintaining liberties by force of arms was granted by charter of Alphonso III. in 1287, which also provided that none should be proceeded against forcibly without previous judicial sentence, also for a yearly meeting of the Cortes. (Hallam, *Middle Ages*, ii. ch. iv.) But armed combinations, or "Hermandades," formed for the purpose of resisting arbitrary encroachment on constitutional rights apparently existed earlier.

firmed as a whole by the coronation oath of all Habsburg kings from Ferdinand to Leopold I. Temporarily, however, it failed to attain the desired result. No more than nine years later King Andrew was obliged to issue a supplement¹ 1231. to the Bull, apparently on the advice of the Pope, to whom the clergy had complained that the great nobles were as oppressive as ever, that laymen interfered in ecclesiastical matters, and that Church property was taxed in spite of the promised immunity. The second clause of the Golden Bull is amplified by the enactment that henceforth not only no noble, but no person whatever can be imprisoned or destroyed without previous judicial process, thereby putting the guarantee of personal liberty on an equality with that provided by section 39 of Magna Charta, sections 30 and 31² of which find their Hungarian counterpart in clause 22 of the new law, which forbids the King to demand unpaid labour of the peasants for the purpose of building fortifications or for any other reason. The importation of foreign favourites and the development of foreign influence on affairs of state is further limited by an amendment of the eleventh section of the Golden Bull, which provides that no alien whatever shall have office or dignity conferred on him unless he be naturalised—a clause consistently neglected by later, Habsburg, kings of Hungary in spite of their confirmatory oath. The popular control of the executive is increased by section 11, which says that “if the Palatine shall mismanage the King’s affairs and those of the kingdom, and we are prayed to appoint some more suitable person according to our pleasure, we will assent to the request.” As regards all other matters, the law of 1231 confirms and closely follows the wording of that of

¹ For the text see Kovachich, *Vestigia Comitiorum*, i. 98 sqq., and Marczali, *Enchiridion Fontium*, p. 134 sqq.

² “No sheriff or bailiff of ours, or any other, shall take horses or carts of any freeman for carriage, except with the consent of the said freeman. Neither shall we, nor our bailiffs, take any man’s timber for our castles, or other uses, save with the consent of the owner of the timber.”

1222, save in so far as the interests of the Church are concerned—evident inspirer of this supplementary piece of legislation. The guarantee of observance is no longer the right of armed resistance, but excommunication by the Archbishop of Esztergom in the event of infringement. Ecclesiastical persons are exempted from the jurisdiction of the Palatine,¹ who is, at the same time, forbidden to hear matrimonial causes and others of an ecclesiastical nature (cl. 17), and a confirmatory document,² handed by the King to the Papal legate two years later, raises the exceptional position of the clergy to its highest point. Neither the King nor his judges are henceforth to interfere in matrimonial causes. Priests are to be subject to the judicial control of none but the ecclesiastical authorities except in matters concerning the title to land; the amount of the royal contribution to the funds of the Church is fixed; and the King renounces his right of episcopal investiture, thus depriving himself of one of the chief privileges of the *legatio apostolica* conferred on St. Stephen.

During the reign of Andrew's successor, Béla IV.,³ the kingdom was torn and greatly weakened by the incursion of the Tartars. In the latter part of Béla's life his son Stephen rose against him; in fact the country was practically divided between the king and his two sons, with the result that all three tried to obtain adherents by promises of favour and grants of land, which so increased the arrogance and attempted tyranny of the greater nobles that the lesser ones were obliged once more to bring pressure to bear on the King in order to force him to summon the Diet and to remedy their grievances. The
 1267. resultant legislation provided for the return of lands usurped by great and tyrannical nobles, reaffirmed the privilege of all freemen of immunity from taxation, unless

¹ Altering clause 8 of the Golden Bull.

² *A Magyar Nemzet Története*, ii. 432.

³ Albert.

imposed with their consent expressed in general meeting,¹ and emphasised the fact that there was no obligation to accompany the King on a war of foreign conquest, and that those who might voluntarily accompany him did so at his expense. "Likewise we have ordained that in every year one of us (*i.e.* the King and his two sons) shall go to Székesfehérvár, on the feast of the Sainted King, and that from every county² two or three nobles shall meet us there, in order that in their presence satisfaction may be given to all complainants for all injuries and wrongs inflicted no matter by whom"—a further recognition of the popular control of the executive, of the rights of the counties to take part in legislation,³ and a second indication of a tentative elective system. The laws in question are expressed to be passed *habito baronum consilio et assensu*; and it is impossible to say with certainty whether the phrase refers merely to the members of the council, or implies, as has been suggested, the recognition of an intermediate, not necessarily official, class between the King and the general body of the people; but the presumption, based on the theoretical equality of all nobles, is in favour of the former interpretation, as is the preamble to the laws passed at the beginning of the reign¹²⁹¹ of Andrew III. with the consent of the bishops and barons and "of all the nobles of the kingdom."

On his accession to the throne Andrew took the usual coronation oath⁴ to be a faithful son of the Church, to do justice to all men, to keep the laws, to defend the

¹ That this is the correct interpretation of the clause is shown by the circumstance that the nobles had in fact recently paid taxes, as appears from the diploma of privileges granted to the nobles of Szepes, which says that they are to pay taxes only if imposed on *all* nobles.—*A Magyar Nemzet Története*, ii. 258.

² The number of counties had now been increased to seventy-two.—*Magistri Rogerii Carmen Miserabile*, § 10.

³ Clearly the meeting was for legislative and not for judicial purposes, as otherwise the presence of the county representatives would be inexplicable at a time when there was an organised judicature but no jury system.

⁴ *Magyar Nem. Tört.* ii. 576.

kingdom and its territorial integrity, and to preserve the rights of the people—thus guaranteeing “the most notable and necessary liberties of the nation.”¹

1292. The laws passed the following year at the Diet of Székesfehérvár for the most part closely follow the wording of the Golden Bull, but there are notable additions. No foreigner is to be appointed to any office or allowed to have a seat in the council (cl. 3), and the right of the nobles to influence the appointment to the chief offices of State is definitely recognised by the ninth clause, which provides that appointments shall be made to the offices of Palatine, Treasurer, Vice-Chancellor, and Chief Justice, on the advice of the nobles, “in accordance with the ancient custom of the kingdom”—apparently of the pre-Stephanic days, as there is no reference to any such custom in recorded legislation. All barons and nobles are to meet in Diet once a year to deliberate on affairs of State, and to inquire into the acts of the lords-lieutenant, “how they have acted in their several counties and have preserved the rights of the kingdom,” and to punish or reward them according to their deserts (cl. 25)—a considerable advance in the direction of official responsibility to the nation instead of to the King. Further, the rights of the counties and the principle of judicial responsibility are extended by a provision to the effect that whenever the Palatine holds a court in any county the Lord-Lieutenant and four subordinate judges are to be present, and if any injustice be done or attempted are to inform the King (cl. 14). The Lord-Lieutenant and four good men are charged with the regulation and introduction of new coinage in the counties (cl. 12), and the succeeding, mutilated, section apparently prohibits local magnates from making issues on their own account. For the further protection of the people from the oppression of

¹ Constitutions of Pest, 1298, preamble and cl. 33 in Endlicher's *Monumenta*, p. 630.

the great, it is provided (cl. 19) that all castles built to the common injury (nests of robber barons and seats of local autocrats) are to be destroyed ; and the laws of 1298 impose on the King and the Palatine the duty of seeing to their demolition (cl. 9), and to the punishment, after excommunication, of any great noble who compels freemen to enter his service.

The Diet at which this law was passed was perhaps the most important that had ever met in Hungary, as here at all events we have an unmistakable, true legislative assembly, which originated legislation without royal interference, and subsequently, and for confirmation only, submitted the results of its deliberations to the King, who now takes his proper constitutional place, as the equal, as regards legislative capacity, of the Diet, whereas hitherto the initiative had rested solely with the Crown.¹ Not only was the King himself absent from the Diet, but all office-holders dependent on him, and hereditary magnates, were, as the preamble states, expressly excluded. For the purpose of checking the threatening growth of a feudal oligarchy, the law allows the King to obtain armed assistance from abroad if he is unable to put down insurgent nobles with his own unaided forces (cl. 6), and to prevent the establishment of a landed aristocracy it is decreed that, in the event of any noble being forced by pecuniary difficulties to sell his land, his brothers, or other relations, shall have a right of pre-emption. Of far greater importance is the twenty-third clause, which contains the germ of the principle which, owing to the importation of a foreign dynasty, did not attain its natural development till a much later period, that no royal order is valid without the counter-signature of a responsible Minister. It is enacted that two bishops and two paid nobles, elected representatives of the nation,² changing

¹ See Kmety, *A Magyar Közjog Tankönyve*, 3rd ed. p. xv. 199.

² "Totidemque et quasi omnes nobiles."

every three months, shall be in constant attendance on the King, whose acts as regards the conferment of dignities and offices, "and other matters of greater importance," shall be void and of no effect without the consent previously obtained of these temporary ministers *a latere*—a notable addition to the guarantees of popular control over legislature and executive, a parallel to which did not exist in contemporary England.

1301. On the death of Andrew III. the main line of the house of Árpád became extinct, and the nation's unrestricted right of election to the vacant throne, which had been limited by the compact of Etelköz, revived. Though in fact the principle of hereditary succession had generally obtained, the right of a son to succeed to his father had never been actually recognised, and the people were at all times entitled to select the most suitable member of the Árpád family. For example, Andrew I. was succeeded, not by his son, but by his brother Béla (1061); and Stephen II. was elected to the throne to the exclusion of his predecessor's son (1114). Thenceforward the right of primogeniture was recognised in fact, though in theory the elective principle was maintained as rigorously as ever,¹ and the taking of a satisfactory oath² to maintain the rights and liberties of the people continued to be an essential preliminary to coronation.³

¹ It was the same in England in Saxon times. Stubbs, *Constitutional History*, i. ch. vi.

² In any case from the time of Andrew II. See the letter of Pope Gregory IX. in Kovachich, *Vestigia Comitiorum*, p. 82, and probably earlier. Timon, *Magyar Alkotmány és Jogtörténet*, p. 105, n., quotes Fehér, *Codex Diplomaticus*, ii. p. 508, showing that Ladislaus IV., 1279, in taking the oath to the constitution was following an ancient precedent, "nec non omnia alia et singula quae nostri progenitores in sua consueverunt coronatione jurare."

³ "Though from the twelfth century the principle of hereditary succession to the throne superseded in Aragon as well as Castile the original right of choosing a sovereign within the royal family, it was still founded on one more sacred and fundamental, that of compact. No king of Aragon was entitled to assume that name until he had taken a coronation oath to observe the laws and liberties of the realm." Alphonso III., 1285, being in France at the time

Pope Boniface VIII. wished to force the election of his vassal, Charles Robert of Anjou, who, through his mother, the daughter of King Stephen V., had Árpád blood in his veins, but the Magyars insisted on their unrestricted right of election, and fearing to compromise their independence by the acceptance of the papal nominee, chose Venceslas of Bohemia, and crowned him with the usual formalities. When, however, the new king^{1305.} succeeded, on the death of his father, to the crown of Bohemia, he resigned his right to the Hungarian throne, and Charles Robert ultimately succeeded to the vacant place. On November 27, 1308, a meeting of the bishops and great nobles, at which the mass of Magyar freemen was largely represented, was held at Pest. The papal Legate attended to urge the acceptance of Boniface's candidate, on the ground that as St. Stephen had accepted the crown from the hands of Sylvester, the latter's successor in the papacy had *ipso facto* the right to nominate the new king in default of male issue of the house of Árpád. The claim was resolutely and noisily contested¹ by the meeting, which, all the same, ended by unanimously electing Charles Robert, whom a section had chosen the previous year, stating at the same time that it had no objection to the confirmation² of the election by the Pope, but that that was a mere formality, and a totally different thing to the recognition of an obligation to accept the papal nominee. Charles therefore was duly elected³ and took a of his father's death, assumed the title, but the states protested and obtained an apology, at the same time acknowledging Alphonso's right to the throne, "so oddly were the hereditary and elective titles jumbled together."—Hallam, *Middle Ages*, ii. ch. iv.

¹ Horváth, *Magyarország Történelme*, ii. 21; Szalay, *Magyarország Története*, ii. 136.

² "The Popes of the Roman Church may confirm and crown the King of Hungary who springs from the royal family and shall have been unanimously elected by us," quoted by Timon, *Magyar Alkotmány és Jogtörténet*, p. 494, from document of 1308.

³ "Diligenti collatione praehabitā dominum nostrum Carolum ac posteritatem ejus prout regalis successio exigit in regem Hungariae ac naturalem

solemn oath¹ to maintain the privileges, not only of the people, but of the Crown, the rights and possessions of which he undertook "not to diminish or alienate (as had been done by previous kings in favour of powerful nobles), but rather to increase the same . . . to maintain the nobles of the kingdom of Hungary in the exercise of their approved and ancient rights ; to protect them from the oppression of tyrants . . . to be satisfied with legitimate wedlock . . . to do good and not harm to the people committed by the divine Providence to my care ; and to condemn or execute no one without fair and legal trial."

The introduction of a foreign dynasty marks the beginning of a new phase in the history of Hungary. As would be expected, the importation of the Anjou dynasty had a "western" influence. The badges and trappings of European civilisation were introduced ; the relations of noble and peasant received a feudal tinge ; and that which had hitherto been regulated by custom was now consecrated by law. That the true feudal system was never established on a firm basis was due to the hostility of the very numerous lesser nobles, who resented the formation of large domains and of a feudal hierarchy which would increase the power of a few at the expense of the great mass of the people, and to the considerable political influence which the latter exercised at the Diets, at which, in theory at all events, one noble was as good as

dominum perpetuum suscipimus."—Kovachich, *Vestigia Comitiorum*, p. 157. *I.e.*, the family of Charles Robert was placed in the position formerly occupied by the house of Árpád. The elective right was maintained, but the King had to be chosen from the male members of the reigning house. When the coronation of Charles Robert took place the Pope's Legate was not allowed to be present for fear that the people should look on his presence as a proof of papal interference.—Herczegh, *Magyar Jogtörténet*, p. 297, n.

¹ Kovachich, *Vestigia Comitiorum*, p. 170 *sqq.* In the oath of Andrew II., the chief point is the maintenance of the rights of the Church ; here it is the preservation of the rights of the whole body of nobles and of the Crown against the oligarchy.

another. Vassalage to great nobles did in fact exist, but only to a limited extent,¹ and the recognition of the necessity of preventing its extension, in the interest both of the throne and of the lesser nobles, finds its expression in the establishment of the so-called "Doctrine of the Sacred Crown," and in a gradual development of the constitutional idea of the equality of King and people as legislative factors. The Crown, the outward and visible sign of the unity of the King and people, began to be looked upon as a person, as the true owner of the country,² and not as a mere symbol of kingship. Every Magyar freeman is a "member of the Sacred Crown" of which the King is but the first member, possessing no power but that conferred on him by the people, in conjunction with whom he forms the *totum corpus Sacrae regni Coronae*. Till the Sacred Crown has been placed on his head the King has no legislative and little other authority, and its imposition with the proper formalities is a condition precedent to the obligation of obedience.³

Charles Robert observed the terms of his oath so far as the privileges of the Crown were concerned, by compelling the return of fortified places and royal domains improperly obtained by grasping nobles; but he was too much occupied with the task of developing the military resources of his kingdom to trouble himself much with

¹ 1298, cl. 33, allows voluntary service to the great nobles as distinguished from the King: "Item statuimus quo nobiles servire valeant quibuscunque voluerint sua spontanea voluntate."

² "Radix omnium possessionum." The expression "sacred crown" first appears in the time of Béla IV.—Timon, *o.c.* p. 484, n. See especially Kmety, *A Magyar Kézjog Tankönyve*, p. xv.

³ Verbóczy, *Jus Tripartitum*, i. 4, by whom the doctrine was finally consecrated. "Nobiles . . . membra sacrae coronae esse censentur nulliusque praeter Principis legitime coronati subsunt potestati." This should be remembered in connection with the succession of Francis Joseph. Though Charles Robert was crowned three times with a new crown he was not considered to be *legitime coronatus* till on a fourth occasion the sacred diadem of St. Stephen was used.

constitutional questions. He did in fact summon the Diet on four occasions,¹ if not oftener, at the urgent instance of the bishops, but in 1338 we find the latter complaining to the Pope that the holding of the "general meetings of the Estates" is forbidden, and all approved and ancient customs and rights established by the royal saints, Stephen and Ladislaus, are neglected or suspended.² Presumably the chief grievance of the ecclesiastics lay in the fact that the alien King was the first to introduce a system of direct taxation by imposing a land tax³ for military purposes on every peasant allotment, no matter whether it belonged to the Church or to a lay owner ;
 1323. but as the tax was imposed with the consent of the Diet, thereby establishing a fresh precedent for the principle of popular control of taxation, the temporary inconvenience may be considered as more than counterbalanced by the permanent constitutional gain.⁴ Save for the above-mentioned innovation, and for the establishment of an improved judicial system based on the French model which continued in use for several centuries,⁵ no immediate and striking change was brought about by the introduction of a foreign dynasty, and by the inception of the period of Hungary's military glory, which reached its highest point during the
 1342- reign of Louis the Great, Charles Robert's successor, when
 1382. Poland, Volhynia, Podolia, Moldavia, Bessarabia, Wallachia, Bulgaria, and Servia were included in the limits of an empire which extended from Pomerania to the Black Sea.

The country paid somewhat heavily for its glory, for

¹ 1318, 1320, 1323, and 1322.

² Fehér, *Codex-Diplomaticus*, viii. 4, 321, quoted by Herczegh, *Magyar Jogtörténet*, p. 331, n.

³ See *infra*, p. 75.

⁴ The necessity of application to the representatives of the nation for funds for military purposes was the origin of all the real power of the Diet, in fact, of all parliaments.

⁵ Verböczy, *Jus Tripartitum*, ii. 6, "Usus processuum quem in causis incohandis proseguendis discutiendis et terminandis observamus."

it resulted in a period of legislative stagnation, broken only by an interval of retrogression which introduced a new page into the statute book, the evil consequences of which remained till 1848. The law of 1351, which it should be observed is passed "*de voluntate Genetricis Nostrae*," whose Árpád blood made her, in the popular eye, of equal importance with the King, recites and confirms, except in one detail, the Golden Bull, and restates the principle "that all and singular the nobles, both of Hungary proper and of the 'duchies' pertaining thereto, enjoy identical privileges." The most important point is contained in the preamble, which expressly alters the Golden Bull, in so far as the fourth clause of that charter declares that nobles dying without issue may grant in their lifetime, or bequeath on their death, their possessions to churches or to individuals, or may sell or otherwise alienate the same. Henceforward "they shall have absolutely no such power, but their possessions shall descend directly and as of right to their brothers and their issue, whose claim none shall be able to dispute." On failure of direct and collateral heirs, the land reverts to the Crown, the theoretical source of all individual ownership, the object being to strengthen the landed interest by the preventing the subdivision of properties and the establishment of large feudal estates, in order that it might be better enabled to answer the requirements of the new military system. Thus was established the so-called "principle of aviticity,"¹ which, by preventing the alienation, and, consequently, the mortgaging of property, so long as any, no matter how distant, scion of the original owning family remained, offered an almost insuperable obstacle to the obtaining of credit, and to the material development of the country. Military exigencies were also answerable for the clause (6) which regulates the relations between landowner and serf. Henceforth the

¹ Ősiség, not abolished until 1848.

former is not only entitled but bound to exact the payment in kind of one-ninth of the produce of all holdings in order to be able to carry out his military obligations.¹ During the reign of Louis the provincial meetings of nobles,² hitherto held at rare intervals and for special purposes only, became gradually periodical, and thus made up to some extent for the King's illegal irregularity in the matter of summoning the national Diet, due in all probability more to the pressing nature of his military occupations than to any unconstitutional inclinations.³

On the death of Louis, who left no son, his daughter Maria was "crowned as King,"⁴ after the usual formalities of an election had been gone through. Subsequently her husband, Sigismund,⁵ son of the Emperor Charles IV.,
 1387. was also elected and crowned, but not until the Diet had imposed, and he had accepted, conditions calculated to guarantee the country against the dangers of possible foreign interference. He undertook, by his coronation oath, not only to maintain all the rights of the nation, but also to admit no foreigners to the Council of State, and to confer bishoprics, which gave the right of admission to that body, on none but Magyars. Though further
 1397. guarantees were exacted from him by the Diet of Temesvár,

¹ The fixing of the dues at one-ninth was probably no innovation, but the legal confirmation of an existing custom.—Marczali, *Enchiridion*, p. 213.

² See *infra*, p. 95 sqq.

³ Though there is no actual record of any Diet but that of 1351, it is evident from references made at the Diet of 1397 to otherwise unrecorded regulations that at least one other was held.—*A Magyar Nemzet Története*, iii. 348. See also Kovachich, *Vestigia Comitiorum*, p. 184 sqq.

⁴ "Coronata in regem," Horváth, *Magyarország Történelme*, ii. 178, which explains the famous cry "Moriatur pro Rege nostro Maria Terezia." Her seal bore the inscription, "Sigillum Marie Dei gratia Regis Hungarie," Szalay, *Magyarország Története*, ii. 257, n.

⁵ Sigismund admits in several documents that he was elected, and so did not become King in virtue of his marriage with a descendant of Árpád. The Doge of Venice writes to him of his "*regnum non jure haereditario sed electionis scrutinio ad te delatum*."—Szalay, *o.c.* ii. 271, n.

which was attended by four deputies from each county and by delegates from the chief towns, now for the first time invited to send their representatives,¹ Sigismund surrounded himself with alien adventurers and favourites, with the result that a conspiracy was formed to dethrone him, and he was seized and imprisoned, for the country never at any time entertained a doubt as to its right to depose an unsatisfactory king whom the free-will of the nation had raised to the throne. A section of the nobles decided to exile him, and a council was formed for the purpose of carrying on the government of the country pending the making of a satisfactory arrangement as to the succession. As, however, captivity seemed to be having a sobering effect on the deposed King, and as the nobles feared the result of competition for the vacant throne, it was decided to reinstate him on his giving a promise (not strictly observed) to expel all foreign parasites and adventurers, and to refrain from taking vengeance on the conspirators.² The chief object of his resentment was the Pope, Boniface IX., who had taken the side of Ladislaus of Naples, whom a faction had wished to elevate to the temporarily unoccupied throne; and it is probably fair to assume that the legislation of 1404 was due more to a wish to annoy Boniface than to a desire to protect Hungary from papal interference. The *Placetum Regium*,³ issued "after consultation with all prelates, barons, and nobles," declares that henceforth, "*sub poena capitis et privationis beneficiorum*," no papal Bull shall be published in Hungary without the express consent of the King; and that all attempts at outside ecclesiastical interference⁴

¹ Horváth, *o.c.* ii. 224, n.

² Kovachich, *Vestigia Comitiorum*, p. 194.

³ Kovachich, *Vestigia Comitiorum*, p. 198 sqq. Cf. the English statute of Praemunire, passed eleven years earlier, prohibiting, *inter alia*, bulls, excommunications, etc., touching the King or his realms.

⁴ The *Placetum* was revived by Maria Theresia in 1768, and by Joseph II. in 1781. It was last referred to in 1870 when papal infallibility was declared.

"by way of citations to Rome, inhibitions, rescripts, executions, and processes," shall be void of effect—the intention clearly being, not only to reassert the King's right of investiture,¹ but to put an end to the baneful influence of Rome on the tranquillity of the country, an influence which was liable to be exercised at any moment in support of any pretender to the throne who would undertake to back the claim of papal suzerainty.

1410. The election of Sigismund to the imperial throne, and his consequent long and frequent absence from Hungary, gave rise to military disorganisation, to confusion at home and disasters abroad in the wars with Venice and with the Turks. The immediate cause of disorder was a recrudescence of the tendency to establish local despotisms on the part of certain nobles to whose action the restoration of Sigismund had been due, a fact which made him a puppet in their hands and reduced the royal authority to a shadow. As usual the lesser nobles sought the antidote to threatened ruin in an attempt to strengthen the King, their natural ally. The Diet was summoned, and it was resolved to increase the counties' power of self-government by allowing them to elect officials on

Bishop Jekelfalussy, who had published the Bull without previously obtaining the royal consent, was summoned "ad audiendum verbum regium," and publicly rebuked by the Prime Minister, Count Andrassy, in the King's name in the presence of the whole cabinet.—Radó-Rothfeldt, *Die Ungarische Verfassung*, p. 13. Berlin, 1895.

¹ See the letter written by Mathias Corvinus to Sixtus IV. in 1480 (*Enchiridion Fontium*, p. 275) on the subject of the "*jus electionis quae mihi legitime competit*." "Your Holiness might have known, or, if ignorant thereof, might have heard from others, of the nature and character of the Hungarians, who, rather than allow appointments to benefices in this kingdom to be made by the apostolic throne without election and presentation by their kings, would prefer some other religion to the Catholic faith, and would join the ranks of the infidels." As mentioned above, Coloman, in 1106, first gave up the right of investiture. See his letter to Urban II., *Enchiridion Fontium*, p. 115, but the royal assent to appointments to bishoprics was still required. Herczegh, *Magyar Jogtörténet*, p. 116. Sigismund regained full command of the "*jus supremi patronatus*" originally conferred on St. Stephen.

whom the duty was to be imposed of keeping the greater nobles in order, of seeing to the proper collection of the King's taxes, and to the regular provision of the necessary military forces. The King admitted that it was his duty to see to the defence of the frontier fortifications, and to the protection of the country in general, so far as his means allowed, and requested the Diet to put him in a position to fulfil his obligations. It is noticeable that the law which gave, *inter alia*, assent to this request was declared to be passed "with the unanimous vote, advice, deliberation, and consent of our prelates and barons, and of nobles, representative of the whole *corpus* of the said kingdom, and invested with full authority to represent the absent," and thus confirmed not only the, hitherto tentative, representative principle, but the people's exclusive control of taxation and its right to interfere in military affairs.

The confusion of the hereditary and elective principles, to which Hallam draws attention, is well exemplified by the fact that when Sigismund died and left no son his daughter Elisabeth and her husband Albert of Austria were both, formally and simultaneously, elected: the ^{1439.} former, to emphasise the fact that the rights of a daughter of the late King, and of a late Queen who had Árpád blood in her veins, were recognised, and that she received the crown not merely as the wife of the chosen sovereign;¹ the latter, in order to prove that the mere fact of marriage with a scion of the Árpád family conferred no claim to the throne. As Albert was a foreigner, the Diet naturally wished to exact exceptional guarantees, and made him take a vow which was looked upon as a model for all future coronation oaths. In addition to the usual undertaking as to the confirmation and observance of existing laws

¹ Elisabeth admits that both she and her husband owed their throne to election. See her letter to the Empress Frederick in Kovachich, *Vestigia Comitiorum*, p. 473. "Als unser lieber Herr und gemahl Kunig Albrecht . . . und Ich zu dem Reich Ungern erwelt und gekrönt ware."

forbidding, *inter alia*, the employment of foreigners as officers of State, and of foreign mercenaries, who might easily become a source of danger to the national liberties, he was made to swear that he would spend his whole time in Hungary, "after the manner of previous kings" (cl. 22); that he would not give away or otherwise alienate Crown property; and that, "in accordance with the requirements of ancient custom,"¹ appointments to the office of Palatine should be made only on the advice and with the consent of the prelates, barons, and nobles of the kingdom.² The reason for insistence on this recognition of the people's right to control the appointment of the chief officer of State is, of course, to be found in the fact that the King being an Austrian, and having been recently elected Emperor with the Diet's consent,³ it was necessary that the Palatine should be some independent person and one not likely to be swayed by alien influence. For the same reason Albert was made to promise that the command of no camps or fortified places, and no possessions, honours, ecclesiastical offices, baronies, lord-lieutenancies, or other ecclesiastical or secular dignities, should be conferred on any foreigner. The Diet's control of monetary matters is established by the tenth clause, which provides that no change shall be made in the coinage without the consent of that body. As a further protection against foreign interference, it is enacted that in the matter of the marriage of the royal princesses the King must take the advice of the Diet, and not that of his relations in the Austrian Archduchy. The King admits (cl. 3) that it is his duty to provide for the defence of the kingdom at his own expense, binds himself not to call for the assistance of the nobles except in case

¹ The reference is to the law of Andrew III., 1291, cl. 9.

² "Pari voluntate eligat."

³ He had been made to promise before election to the Hungarian throne that he would not accept the Imperial crown without the Diet's consent, "ne suo injussu imperium acceptaret."—Aeneas Sylvius, *History of Bohemia*, ch. lv.

of absolute necessity, and undertakes that, "as required by their ancient liberties," they shall under no circumstances be asked to serve beyond the limits of the kingdom. Further, he promises (cl. 14) to accept the advice of none but Magyars in matters concerning the defence of the kingdom. In return for his guarantees and undertakings the Diet promised to recognise the claims of his and Elisabeth's children to the throne of Hungary. The meeting of the Diet of 1439, at which these bargains were made, is important from the point of view of constitutional development, as the proposed laws were not, as had generally been the case in the past, laid before the assembly by the King in the form of ready-made propositions for discussion, acceptance, or rejection, but the Diet itself took the initiative, drew up the laws, and subsequently presented them for ratification, thereby asserting its right to initiate legislation, and placing itself, in this respect, on a footing of complete equality with the Crown.

Albert's reign was short, but long enough to give him the opportunity of neglecting his promise with regard to the appointment of the Palatine, and his undertaking to stay in Hungary and to provide for the defence of its frontiers. The result was that while he was absent fighting for the crown of Bohemia the Turks laid Transylvania waste, and carried away seventy thousand persons into captivity—a foretaste of what was to occur under later Habsburgs. His absence and his death produced a ^{1439.} recrudescence of disorder, and of the attempts of powerful and ambitious barons to secure a preponderating influence at the expense of the legitimate authority of the whole body of nobles. Elisabeth, who was expecting her confinement, claimed the throne for herself and for the anticipated heir, and when Ladislaus was born the following year procured his coronation. But the nobles, aware of the danger liable to result from the long minority of a

useless infant, which might give a free hand to would-be oligarchs, refused to be bound by the undertaking given to his father, and elected Vladislav of Poland, who accepted all the conditions they imposed, gave the necessary guarantees,¹ and undertook that Poland should help to keep the Turks in order. The rejection of Ladislaus amounted to a strong affirmation of the country's uncontrolled elective rights, more especially in view of the fact that the nobles had agreed only a few years back to recognise the claims of Elisabeth's and Albert's possible issue, and to choose their King from among the descendants of the founder of the Anjou dynasty.² The identity of Hungary's interests with those of Poland, and the ancient principle that "election to the throne is dependent on the will of the people, and that popular approval is the sole source of the efficacy and virtue of the Crown,"³ were the chief reasons for the breach of the undertaking referred to. Except as a matter of principle, the refusal to elect the posthumous son of Albert was of no great importance, 1444. as after the death of Vladislav in battle against the Turks, Ladislaus was in fact raised to the throne, in spite of the opposition of two sections, one of which desired the election of Philip of Burgundy,⁴ and the other that of a native Magyar noble.

The government, which, until the presumption of Vladislav's death became a certainty, had been carried on by "seven principal barons" or "captains,"⁵ who soon proved their inability to deal with disorderly nobles, was 1446. entrusted to John Hunyadi, voyvode of Transylvania, as Regent during the King's minority. The limits of his

¹ For the maintenance of constitutional liberty, and more especially for the observance of the terms of the Golden Bull and the laws of 1298 and 1351, Kovachich, *Supplementa ad Vestigia Comitiorum*, i. 478, Buda, 1798.

² *Supra*, p. 47.

³ Kovachich, *Vestigia Comitiorum*, p. 239.

⁴ *A Magyar Nemzet Története*, iv. 68.

⁵ *Ibid.* pp. 65 and 72, n. The King's ecclesiastical authority was transferred to the Council of State.

authority were fixed by resolution of the Diet,¹ which invested him with the same power as that hitherto exercised by the Crown (cl. 6), except in so far as it restricted his power of making grants of land, and strictly defined his relations with the Council of State and the functions of that body. Hitherto the council had consisted of the King's nominees, summoned for consultation as and when their nominator pleased. Henceforth the Regent was to be allowed to select as many members as he considered desirable, but there must in any case be twelve permanent councillors—two, the Palatine and the Chief Justice, *ex officio*, and ten elected by the Diet (cl. 7). A further democratic guarantee was provided by the prohibition of indictment for treason without the knowledge and approval of the Diet; and in order to avoid the possibility of rival claims and civil war in the event of the King's decease, it was resolved that in case of dissension^{1447.} representatives should be summoned from each county to confer with the bishops and barons and a unanimous vote obtained (cl. 30). In the course of Ladislaus's reign^{1454.} the Diet successfully asserted its right to interference in military affairs, by enacting that a committee should be chosen from among its members for the purpose of fixing the number of soldiers to be provided at the expense of the Treasury, and of regulating the collection and employment of the royal revenues with a view to the punctual payment of the troops. Further, it was resolved that the counties should elect committees to decide questions of exemption from service, and to see to the details of recruiting.²

Effect was given to clause 30 of the law of 1447 on^{1458.} the death of Ladislaus, when Mathias Corvinus, one of the Hunyadi family, was elected to the throne out of gratitude and respect to the memory of the late Regent.

¹ See Kovachich, *Vestigia Comitiorum*, p. 253 sqq.

² *A Magyar Nemzet Története*, iv. 130.

The nobles were largely influenced in their choice by the recollection of the disorder and disasters not infrequently consequent on the election of a foreign king, and it was this consideration which prevented the selection of Casimir of Poland or of the Emperor Frederick, both of whom considered they had claims—the one as brother-in-law and the other as uncle of the late King.¹ The first act of the Diet was to take steps to prevent the recurrence of an attempt made in the last reign to impose a tax without the consent of that body, to forbid such an infringement of its undoubted rights “under any pretext whatsoever—even in the most difficult circumstances.”² The King, by his coronation oath, promised compliance with the law, and the fact that he was no foreigner, and frankly recognised the supreme authority of the representatives of the nation in the matter of taxation, led to their treating him at all times with exceptional liberality, though in the course of his reign protests were more than once raised in consequence of the frequency with which the Diet was summoned, and the regularity with which
 1462. fresh taxation was asked for at each of its meetings.³ General principles, the Diet’s control of taxation, and its right to interfere in administrative questions,⁴ having been established, the legislative assembly was able to turn its attention to matters of detail, with a view to the protection of the whole body of nobles against their traditional antagonists, the would-be oligarchs, and to purge the

¹ Csuday, *Ungarische Geschichte*, i. 441.

² Cl. 55, “Nullo unquam tempore . . . taxae . . . aut aliae executiones indebitae ex quacunque ardua ratione petantur vel imponantur.”—Kovachich, *Vestigia Comitiorum*, p. 328.

³ The law of 1471 says that the Diet is to meet every year in case of necessity, but that of the following year says that the frequent holding of the Diet is a burden, and that none is to be held for the next two years.

⁴ “Ea quae ad publicam pertinent utilitatem . . . communi omnium consilio discutienda sunt et decidenda” (Letter of Mathias Corvinus). Kovachich, *o.c.* p. 364, styles this phrase, “illustre monumentum quo Cardinale illud Principium Juris nostri publici stabilitur.”

law courts of the pernicious influence of aristocratic preponderance. By the *Decretum Majus* of 1486,¹ the object of which, according to the preamble, was to put an end to "enormities and unheard-of scandals" in legal procedure, the Palatine was deprived of his power as chief judicial authority of the kingdom, the criminal jurisdiction of the counties was enlarged, and it was ordained that a court, consisting of not less than two judges, should sit twice a year as long as might be necessary for the dispatch of business. The scandals referred to consisted in the fact that great nobles were in the habit of attending the courts² with an armed retinue for the purpose of intimidation (cl. 64), and that the delay in obtaining justice was so great, "especially in cases relating to the possession of land, that sometimes a cause could scarcely be disposed of in a man's lifetime" (cl. 4). In order to safeguard the principle of the equality of all men before the law, nobles are enjoined to leave their arms at their inn; their ignoble retainers failing to divest themselves of their weapons are to be put in the pillory for two days and two nights without food; the "immunity" enjoyed by many families, in virtue of which they were exempt from the control of the ordinary courts, and subject only to the King's personal jurisdiction, is abolished; and all, with the single exception of hereditary lords-lieutenant, become subject to the authority of the local justices. It was presumably this law, which, as the preamble states, was passed on the motion, and

¹ Marczali, *Enchiridion Fontium*, p. 90 sqq.

² The so-called "*Proclamatae congregationes*," or perambulating courts hitherto held in the counties by the Palatine, are here referred to, generally identified, but wrongly, according to Szalay, *Magyarország Története*, iii. 289, n., with the "*judicium generale*" which the Palatine held, in case robbery and disorder was specially rife in certain districts, at which summary justice was done, executions were frequent, and heavy fines were imposed for the benefit of the treasury on whole districts, as well as on individuals, and was very unpopular, more especially for the reason that the holding of this extraordinary court was looked upon as an interference with the growing autonomy of the counties.

with the unanimous consent of the whole body of prelates, barons, and "elected nobles from each county representing the entire kingdom," which gave the reign of Mathias its reputation¹ as the golden age of even-handed justice.

The disciplined and orderly government established by the native king² was a great contrast to the general feebleness and disorder which marked the reigns of his foreign predecessors and of his immediate successors. His popularity was not destroyed even by his request for funds, repeated again and again in spite of the promise already mentioned. The glory obtained by the capture of Vienna, and the fact that the king of Hungary became Archduke of Austria and King of Bohemia, and joined Moravia and Silesia to his dominions, justified his demands in the eyes of his subjects. So many properties, communes, and even whole districts, had been exempted from the payment of the *lucrum camerae*, the fixed contribution of the peasants to the royal treasury, by the foolishness and weakness of his predecessors, that Mathias had to find
 1466. a new source of income. With the consent of the Diet he abolished the old impost and substituted an annual "treasury tax" of one-fifth of a gold florin on every town house and peasant homestead, including those of the Saxons and other, hitherto exempted, races—a tax which the Diet voluntarily quintupled in the following year, and

¹ "Mathias is dead and justice has fled the earth" became a proverb. Clause 18, abolishing trial by combat, is interesting: "Whereas in trial by single combat frauds of various kinds may be committed, and it is rare that parties to the suit fight themselves, and usually hire fighters (*pugiles*), who at times are corrupted by gifts, favours, and promises, with the result that a suitor, though his cause be just, may lose the same owing to his being unaccustomed to fighting" . . . Clause 69 ordains that "whereas lawyers are in the habit of undertaking for the sake of lucre the cases of many suitors at the same time, and conduct their defence *satis negligenter*, and care nothing if their principals are mulcted," in future no one is to be allowed to undertake more than fourteen cases in one term.

² The Roumanians claim Mathias as of their race, but it was more likely he was of Slav origin. In any case his family had been completely magyarised since many generations.

at its meeting in 1478 made payable for five successive years. As a compensation for this exceptional burden it was resolved that no military service should be asked from the nobles during that period unless the country were invaded by the Emperor, the Sultan, and other, specified, possible antagonists ; in which case it was agreed that all nobles without exception should take the field.¹

Unfortunately for Hungary, Mathias left no legitimate heir, and the question of the succession to the throne was complicated by a provisional agreement which he had made at the beginning of his reign with the Emperor Frederick III. It was agreed that in the event of Mathias dying without heirs the crown should go to Frederick, or to such son as he should appoint ; or, if the throne should not become vacant before the Emperor's death, to his surviving son ; or, should he leave more than one, to such son as Hungary might select ; and the Diet of 1464, strange to say, had confirmed this infringement of its right of free election. However, on the death of ^{1490.} Mathias, the Diet, which cannot be accused of exaggerated scrupulosity in matters which might be construed as constituting a breach of its privileges, did not hesitate to set aside the arrangement, on the ground that its authors had acted *ultra vires* and without consulting the wishes of the country, and to elect Vladislav of Bohemia, who had some particles of Árpád blood in his veins, being a son of Elisabeth, the daughter of Elisabeth and Albert. Maximilian, son of Frederick, consequently declared war on the new King in order to enforce his rights, such as they were, but peace was soon arranged on the terms that if Vladislav should leave no legitimate male issue, the crown should go to the house of Habsburg. Vladislav succeeded with difficulty, and amid loud protests from the lower

¹ The Diet made the imposition of the tax conditional on the acceptance by the king of the clause relating to military service. See the address cited in *A Magyar Nemzet Története*, iv. 267.

nobles, in obtaining the Diet's consent to the compact ; but the general attitude of the country was so evidently hostile to Austrian pretensions that Maximilian threatened to enforce his claims at once and without more ado. The
 1506. result was that a fresh agreement¹ was made, to the effect that in the event of the existing King having no male heir the crown shall go to such descendant of Maximilian as the nobles should select,² who should thereupon take the customary oath to maintain all the rights, privileges, liberties, and customs of the country. It was at the same time arranged that Ferdinand, grandson of Maximilian, should marry Anna, daughter of Vladislav, in order that the, probable, future occupant of the throne should have some connection with the house of Árpád. There can be little doubt that Hungary never had any intention of considering itself, and constitutionally could not be, bound by a compact which would curtail its elective rights, and was ratified chiefly for the reason that the Sacred Crown, the emblem of the people's liberties, was in Austrian hands, and that its return was one of the considerations specified in the contract. The episode requires to be noted for the reason that at a later date Ferdinand asserted, and that German writers have supported his assertion, that the House of Habsburg succeeded to the throne of Hungary, not by election, but in virtue of the compact between Vladislav and Maximilian—a proposition which, as will be seen hereafter, unquestionable facts prove to be untenable.

The selection of Vladislav was an unhappy one for Hungary, for he was a feeble creature, deliberately chosen by the bishops and great nobles, not in the interests of the country, but as a tool for the prosecution of selfish ends and with a view to the preservation of their oligarchical privileges. In addition to the usual coronation oath, Vladislav was made to sign a document or Diploma

¹ Marczali, *Enchiridion Fontium*, p. 328 sqq.

² "Quem eligendum duxerint."

Inaugurale,¹ nominally guaranteeing the rights and liberties of the nation at large, but in reality conceived with a view to the concentration of all power in the hands of the oligarchy. "Whereas the bishops, barons, and other nobles, and the whole body of the people, in exercise of the most ancient custom and privilege of electing their King, have cast their eyes on Us, and have elected Us their King and Lord and Prince in accordance with the terms and articles below written," Vladislav undertakes that he will maintain all and singular the ancient rights, privileges, immunities, liberties, and approved customs of the nation; that he will not allow the Sacred Crown to be taken out of the kingdom under any pretext whatever; that he will make no agreement with his Imperial Majesty Frederick V., or with Maximilian, King of Rome, "without the express free and voluntary consent" of the bishops and barons (cl. 7); that no foreigner shall be admitted to the Royal Council, all members of which, as well as all court officials, are to be Magyars; and that he will ratify and confirm in writing all laws voted by the Diet before his coronation, "just as other kings our predecessors have always done in accordance with the approved and laudable custom of the kingdom" (cl. 18). Further, Vladislav admits the necessity of asking consent of the bishops and barons to the issue of new coinage, to the King's ecclesiastical nominations, to the alienation of the towns in Styria, Carinthia, and Carniola acquired by Mathias Corvinus, and, in the event of the redemption of such towns by Maximilian, to utilise the proceeds for the defence and for the general benefit of the kingdom in

¹ For the text see Marczali's *Enchiridion Fontium*, p. 307 sqq. This is usually considered to be the first occasion on which such a Diploma (a similar one to which was signed by all succeeding kings with one exception) was exacted, but Timon, *Magyar Alkotmány és Jogtörténet*, p. 105, n., says that Andrew III. signed such a document, and the law of 1298, 41, refers to "libertates regnicolarum et ecclesiarum tempore coronationis suae in literis expressas" confirmed by him. See also cl. 18 of Vladislav's *Diploma*, *infra*.

accordance with the advice and wishes of the bishops and barons (cl. 5). The document is of importance not only for the reason that it strictly limits the royal authority in numerous particulars, but on account of its containing the first express recognition (cl. 7) of the Council's right to interfere in foreign affairs, hitherto regarded as belonging exclusively to the King's province. The continual reference, however, to bishops and barons, to the exclusion of the general body of nobles, proves a retrograde intention, and section 25 of the law of 1495, providing that the King and Council shall prepare Bills for presentation to the Diet, discloses a desire to deprive that body of its powers of initiative, rather than to facilitate and expedite legislation—the ostensible object of the measure. The attempted encroachment on the Diet's privileges was only temporarily successful, and three years later we see a return to the old practice.

Relations between the barons and lesser nobles soon became dangerously strained. The latter insisted on their right to a proper share in the executive, from which the former had excluded them by reorganising the King's Council, and by limiting membership to the Palatine, the Chief Justice, the Treasurer, the Chancellor, four barons, and four bishops. The last straw was provided by a resolution of the Council, to the effect that none but the peasants of those who had not the privilege of leading their retainers to war under their own flag should pay the increased war-tax—thus exempting the well-to-do at the expense of the poorer members of the community, and by the fact that the Council entrusted their own creatures with the collection of the tax¹ and failed to account for the proceeds. An attempt to impose taxation without the consent of the Diet, to jockey the opposition by unpunctuality, and by prolonging the meetings of that body to such an extent that the poorer members, unable

¹ Andrassy, *A Magyar Állam Főnmaraddának Okai*, i. 404.

to stand the expense of prolonged attendance, dispersed to their homes, and thus enabled the great nobles to snatch a vote with the semblance of legality, led to concerted action on the part of the majority and to the passing of the law of 1498.¹ It was thereby enacted that the Diet should meet annually at the plain of Rákös for the ensuing four years, and thereafter every third year; that its business must be finished within fifteen days, and that any one failing to appear punctually on the first day should be fined.² The sphere of action of the sixteen lesser nobles, who had been appointed three years ago to take part in the judicial functions of the Council, was enlarged by an instruction of the Diet which ordered its representatives "faithfully and under pledge of secrecy to take part in all discussions relative to the common welfare"; and thus practically converted them into ordinary members of the Council. Two years later the influence of the lesser nobility^{1500.} on the executive was again increased. The Diet resolved that the said representatives should be elected for a period of three years; that half their number should always be in attendance (thus ensuring a perpetual majority in the Council over the four barons or bishops who were bound to be present), and declared it to be their duty (1507) to report to the Diet any action of the Council which might be contrary to law or dangerous to the liberties of the country. But in spite of these constitutional safeguards, the great nobles, with their money and their armed retainers, still kept their access to the King's ear and their general influence, and the Council still had less real power than the actual executive officers, such as the Palatine, the Treasurer, the Chief Justice, and others whose orders the country was accustomed to obey.

By far the greatest and most permanent success obtained by the Diet was the final establishment of its

¹ *Enchiridion Fontium*, p. 315 sqq.

² Barons and high ecclesiastics 800, others 400 florins.

control of taxation; and the celebrated law of 1504,¹ never repealed or amended, was often referred to in the first half of the nineteenth century as one of the strongest bulwarks of the Constitution. "If any county of its own motion and without the consent of the whole realm, that is to say of the general Diet of the kingdom, shall offer or grant to his Majesty any subsidy or contribution whatsoever under any pretext or in any form in contravention of the ancient liberties of the kingdom, the entire nobility of that county shall be deemed to be guilty of treason, perjury, dishonourable and disgraceful conduct, and *ipso facto* shall be removed and excluded from the society of the rest of the nobles."² Thus, not only every tax not voted by the Diet is irregular and illegal, but even the making of voluntary contributions is penalised as liable to infringe the solidarity of the people, and to open the door to attempts at oppressive taxation and to the exercise of undue influence.

1505. At the next meeting of the Diet a solemn protest was entered against the importation of foreign kings—Hungary's final kick as a completely separate State now so soon to be connected in perpetuity with the hereditary provinces of the Habsburgs, and so of historical, but not of practical interest, save in so far as it subsequently provided John Zápolya and his party with a justification for their fight against the introduction of an alien dynasty. "Whereas this kingdom has frequently been ruled by foreign kings and princes, and whereas it would be easy to prove, if necessary, that the kingdom never suffered greater injury, danger, and desolation, than at times when it was under the rule of foreigners, men of an alien tongue . . . in consequence whereof Rama, Servia, Galicia, Lodomeria, Bulgaria, and Dalmatia, and many fortified places, have been lost to the Crown, by reason

¹ In Marczali's *Enchiridion Fontium*, p. 317 sqq.

² Cf. 1 Richard III. ch. 2, forbidding the exaction of "benevolences."

whereof it is to be feared that, owing to the dilaceration of the kingdom's extremities, hostile attacks may penetrate into the interior . . . henceforth, whensoever the throne shall become vacant, and there shall be no male heirs entitled as of right and according to custom to succeed thereto, no king shall be chosen from any foreign nation or of foreign tongue, but a Magyar, and only a Magyar, shall be elected by fair voting¹ and unanimous consent on the plain of Rákös and nowhere else."² Any one daring to act in contravention of this resolution is to be judged guilty of treason to the nation, to be deprived of all privileges of nobility, and to be reduced to perpetual servitude. In order to exclude all possibility of foreign interference, the Diet of the following year, as a condition precedent to its consent¹⁵⁰⁶ to crown Louis, Vladislav's son, as "Junior King," according to not infrequent custom, made Vladislav undertake³ that in the event of his decease during Louis's minority neither the Emperor Maximilian nor any other foreigner should be appointed guardian—so strong, apparently, was the presentiment and dislike of coming foreign interference.

Of the remaining legislation of the reign only two enactments need special notice. The law of 1507 (5, 7-8) declares that royal edicts unconfirmed by the Council of State are void and of no effect, and that if any member of that body shall, as such, offend against the "liberty, common weal, and statutes of the kingdom," he shall be looked upon as a traitor, brought before the Diet, and punished according to his deserts,—thus putting the act of proposing measures injurious to the interest of the mass

¹ *Parili voto*, one vote one value, in contradistinction to the more usual principle, *Vota ponderantur non numerantur*.

² It was to this resolution that Napoleon I. referred in his manifesto of 1808, when he tried in vain to seduce the Hungarians from their allegiance to the Habsburgs.

³ See Kovachich, *Vestigia Comitiorum*, p. 455 sqq.

of the nobles on the same footing as actual illegal action, and establishing the principle of the responsibility of the executive to the representatives of the nation. The other measure to which reference must be made is the law of 1514, which deals with the position of the peasants. The law was passed under the fresh impression of the terrible Jacquerie associated with the name of Dozsa, the leader of the peasants, who are now deprived of the right of migration, their chief protection against exaction and oppression, and thus are reduced to complete and perpetual subjection to their landlords, whose customary claims to the forced labour and other services of their tenants now receive legal confirmation. It must not be forgotten that the peasantry comprised not only "Saxons, Germans, Bohemians, and Slavs who profess Christianity, Wallachians, Ruthenians, Servians, and Bulgarians who follow the errors of the Greeks, Philistines (Jazyges) and Cumanians (Polovtses)," ¹ but Magyars also, who were in no respect in a better position than their alien fellows. They were not serfs in the true sense of the term, as they could not be sold away from the land or mortgaged. Their personal property was their own and could be disposed of by will; they could marry as they pleased, ² and, until 1514, could migrate from one landowner to another; but the peasant had no right of perpetual occupation, and no claim to anything except to "the reward of his labour." ³ To the King he paid a land tax and extraordinary war taxes. To the clergy he paid tithes, and his lord claimed dues and services from him in accordance with the "urbarium" or contract existing between them. The dues were first fixed,

¹ Verbóczy, *Jus Tripartitum*, iii. 25.

² This they could not do, neither could a peasant choose his own occupation before the middle of the 19th century in the Austrian possessions of the Habsburgs, who posed as the protectors of the peasants in Hungary.

³ "Rusticus praeter laboris mercedem et praemium in terris domini sui quantum ad perpetuitatem nihil juris habet sed totius terrae proprietates ad dominum terrestrem spectat et pertinet."—Verbóczy, iii. 30.

as has been mentioned, by the law of Louis the Great¹ at one-ninth in kind of the product of the land, in addition to which the law of 1514 imposed on him the yearly payment of one florin in gold, and the provision for the lord's use of one chicken every month and two geese every year, while every ten houses in a village had to produce a fat pig at Christmas. Further, the lord was entitled to claim the unpaid labour of the peasant on fifty-two days in the year.² Before the passing of the law of Louis the Great, the landlord had jurisdiction only in civil matters, unless the *jus gladii* had been conferred on him by the King ; but that law gave him jurisdiction in all criminal matters also, except in the case of crimes, including larceny and robbery,³ which involved the death penalty. If the lord delayed or refused justice, he could be summoned before the lord-lieutenant, and the judicial officials of the county were bound by the law of 1405 (cl. 10) (which, however, seems to have remained more or less a dead letter) to hear and decide the case. The peasant could be transferred with his holding to another owner, and if he occupied land not held of some noble, he could dispose of half only by will, the rest going to his lord. Originally the right of migration was unrestricted, but the landlords did their best to curtail it. Laws were therefore passed in 1298 and 1405 reaffirming the right ; but their operation was limited, if not nullified, by a subsequent enactment (1492), which required the tenant to obtain the consent of the landlord and to pay all his debts prior to removal. Even Mathias the Just could do little to ameliorate the peasant's lot, and the reactionary law of 1514 perpetuated a sore in the body politic which was more injurious to

¹ 1351, 6.

² That is to say, in the case of a peasant occupying a whole *sessio* or allotment. Such allotments varied in size in different parts of the country. In the case of a peasant who occupied a half or quarter *sessio* the dues and services were proportionately reduced.

³ Timon, *o.c.* p. 574, n.

Hungary's interests, and more fatal to progress, than all the incursions of the Turks or the deadening influence of religious obscurantists.¹

If on no other grounds, the reign of Vladislav was memorable for the reason that it saw the production of a codification of the customary and statute law of Hungary, which had hitherto justified its claim to be considered the land *par excellence* of custom. As Verbóczy says in the preface to his work,¹ "the laws of Hungary and the edicts of dead kings being confused, disconnected, and often contradictory, and so liable to give rise to intestine dissension, which is more injurious than foreign wars," it was advisable that, "neglecting mere ancient fables," a codification should be undertaken of the statute and customary law which actual experience had proved to be of actual force and validity, to which effect had been given from time immemorial in Diet and law courts. The author, who is described in the King's *Approbatio* as Protonotary of the High Court, was commissioned by the Diet of 1507 to draw up a document containing the fundamental laws of the kingdom. The result, the so-called *Jus Tripartitum*, was considered by a special committee of ten members, who reported in favour of its accuracy. In November 1514 the King gave it his *imprimatur*, and undertook to have a copy sent to every county for the guidance of its judicial authorities. Though this was never done, and though the *Jus Tripartitum* was never actually consecrated by law, yet, for more than three hundred years, it continued to be the chief if not the only document regulating the relations of King and people, of nobles and their peasants, of Hungary and the dependent States. In the dark days of Turkish domination the common use of Verbóczy's code was

¹ Báthory, one of the most powerful nobles of the day, is reported to have said that any one who complained of him to Mathias required two heads, as one would certainly be cut off before the complainant reached the palace.—Andrássy, *A Magyar Állam Fönmaraddának Okai*, i. 401.

² *Opus Tripartitum Juris Consuetudinarii Regni Hungariae*.

the chief tie which bound the *disjecta membra* of the Sacred Crown together, and it is a remarkable document, which requires to be studied carefully by any one who wishes to obtain an insight into the circumstances of the age in which it was written, when the monarchy had lost much of its ancient authority and prestige, and the great body of freemen had succeeded in asserting its claim to equality with the greater nobles. The doctrine of the Sacred Crown, and the conception of its wearer as the personification of national unity, and as the delegate of the nation's rights, had begun to give place to the idea of the actual sovereignty of the whole body of Magyar freemen, of whom the King was no more than the representative, invested with the power of proposing and sanctioning legislation, but not with that of forcing its acceptance or directing its application—a life-president of a semi-oligarchical state in which the mass of the peasants had no influence whatever, and the trading population of the towns little or none. From the point of view of subsequent history the chief interest centres in Verbóczy's enumeration of the royal privileges, and Vladislav's solemn ratification of the Code is a sufficient indication of the fact that no sign was discernible of an attempt to give less unto Caesar than that to which he was constitutionally entitled, and that the Crown could claim no privileges other than those specifically enumerated. The second part of the work is specially devoted to the investigation of the problem of the initiative in legislation: of the question whether the King can himself make laws and statutes,¹ or whether

¹ The latter, apparently, are measures affecting the Constitution, if there is any distinction. Herczegh suggests that the difference is that the King could withdraw the former without the Diet's consent, but not the latter (*Magyar Jogtörténet*, p. 330); but query, as section 5, dealing with the question of the binding force of laws, says that both *constitutiones* and *decreta* bind the King; and section 3, that "*omnia*," i.e. *leges, constitutiones, statuta et sanctiones* mentioned therein "*specialiter Principis et non populi statuta nuncupantur* . . .

the consent of the people (the free *populus*, the members of the Sacred Crown distinguished by Verbóczy from the unprivileged *plebs*) is necessary to their validity. The answer is that "the King cannot of his own motion and uncontrolled power make laws, more especially laws which are prejudicial to divine and natural law, or derogate from the ancient liberty of the whole Hungarian nation, but can legislate only by summoning and interrogating the people as to whether it accepts his propositions or not. If the reply is in the affirmative, such propositions thereupon become law. "But the people itself, often by unanimous consent, decrees measures which it considers conducive to the public welfare, and hands the same in writing to the King, praying that laws may be passed in accordance with the same, and if the King accepts and approves the said measures, they obtain the force of law, and are, in fact, regarded as such."¹ The laws are declared to be binding, in the first place, on the King himself who promulgated them at the request of the people. The above is no doubt a correct presentment of the King's position as regards legislation, and the statement of the other rights of the Crown is equally precise. They comprise the right of granting the privileges of nobility, of succession to the property of nobles dying without heirs, of conferment of ecclesiastical benefices and titles, and there is no mention whatever of any other *jura reservata* which German writers have tried to read into the Hungarian constitution, such as the right of regulating all details of military organisation, of sole control of diplomatic negotiations, or of making treaties without

verum generali nomine constitutiones ipsae saepenumero regni decreta vocitantur." So clearly *decreta* are not merely by-laws of the executive or laws issued by the King without reference to the Diet. On the other hand, Verbóczy says, that the annexed States can make *leges*, or local regulations, but not *statuta*, or laws of general application for the whole kingdom.

¹ Part II. tit. iii.

reference to the Diet. We have already seen how Vladislav admitted the Diet's right to interfere with the making of agreements with foreign monarchs, and in so doing he was only following the example of his predecessor.¹ Louis's treaty with Poland in 1376 was expressed to be confirmed by the bishops and the "*barones regni Hungariae principiores*";² that of Sigismund in 1369, as "*consilio baronum nostrorum*";³ and so long ago as the beginning of the twelfth century the Venetian ambassador was informed by the King (Coloman) that the proposed terms of peace would not be valid without the consent of the Council of State.⁴ The personal rights and privileges of the nobles *vis-à-vis* the King are likewise defined by Verbóczy. "All bishops, priests, barons, and other magnates, nobles and patricians of this kingdom of Hungary, in virtue of nobility and of the possession of temporal goods, enjoy one and the same liberty, the same exemptions and immunities, nor has any one of the lords more nor any one of the nobles less thereof."⁵ There can be no King unless he be elected by the nobles, and no rights of nobility can be conferred by other than the King. A noble so created *ipso facto* becomes a member of the Sacred Crown, is subject to the authority of none but the legally crowned King, and cannot be imprisoned unless he has previously been summoned and condemned by process of law. All nobles have complete freedom in the exercise of their

¹ 1462. Mathias writes, *re* his treaty with Frederick: "Certos tractatum articulos attulit quibus respondere et eos firmare aut infirmare prout ab eo percepimus non est nostrum, cum non personam nostram ut dicunt sed totius regni universitatem concernant, imo nec adhuc in specie ostensi sunt et publicati, sed in hac proxima generali omnium regnicolarum nostrorum congregatione, ob hoc praecipue advocata, sunt publicandi."—*Epistolae Mathiae Corvini*, cited by Szalay, *Magyarország Története*, iii. 199, n.

² Szalay, *o.c.* ii. 241, n.

³ *Ibid.* i. 228, n.

⁴ Andrassy, *A Magyar Állam Fönmaraddisnák Okai*, i. 127.

⁵ Part I. tit. ii.

rights and in the use of their property, and are exempt from all servitudes, taxes, contributions, tribute, or other obligations save that of military service in defence of the country. Further, they have the right, conferred by the Golden Bull, of contradicting and resisting the King should he attempt to interfere with the rights and privileges of the nation, without thereby incurring a charge of treason—*sine nota alicujus infidelitatis*.

The greater part of the *Fus Tripartitum* is concerned with such questions as the difference between natural and civil law, between statutes and municipal regulations, with the conditions essential to the validity of an alleged custom, with the law of succession to property, and with the relations of the clergy to the civil law, and many other matters which have no immediate bearing on the subject matter of this book. It is enough if the reader remembers Verbóczy's statement as to the equality of all Hungarian freemen and his definition of the King's rights and privileges—a knowledge of which is essential to an appreciation of the terms of the contract on which Ferdinand of Habsburg received the crown of Hungary, and of the manner in which those conditions were observed by him and by his successors.

1516. Louis II. was only ten years old when he succeeded to the throne; it was therefore decided that during his minority the affairs of state should be managed by a Council to consist of two bishops, six barons, and sixteen lesser nobles annually elected by the Diet, which thus secured an unquestioned control. The chief difficulties with which it was confronted were of a financial nature, the result, as usual, of the squandering by former kings of the revenues of the Crown and of the mortgaging of royal property. The Diet of 1518, with a view to the prevention of a recurrence of the financial scandals of the previous reign, decided that two members of the Council should be chosen as comptrollers of the royal expenditure ;

that without their knowledge and consent the Treasurer should neither receive nor disburse any monies ; and that death should be the penalty for carelessness or dishonesty.¹ 1526. It was also made part of the Treasurer's duties to take steps for the defence of the fortified places on the frontiers, for the proper payment of officers and men, and for the provision of military necessities. Thus on the very eve of the era of national disintegration the Diet confirmed its control of the chief departments of State, and reaffirmed the principle of official responsibility to the representatives of the nation.² But these measures were insufficient to avert the fate (the result of a succession of incapable kings, of consequent internal disorder, and of the unpatriotic ambitions of a selfish aristocracy) which, but for the strong government and organising ability of John Hunyadi and Mathias Corvinus, would probably have overtaken the country at a considerably earlier period. Probably the chief cause of a national debility which invited disaster was the gulf fixed between the two sections of the population—the nobles, with their immunity from taxation and their monopoly of power, and the *misera contribuens plebs*, which could have little interest in the maintenance of the territorial integrity of the country, and in fact constituted a danger rather than a source of strength.³ The Crown had lost its prestige, and the King was reduced to begging the Diet for money for his personal expenses. Faction, and corruption of morals, especially among the clergy, contributed to the general

¹ Kovachich, *Vestigia Comitiorum*, p. 446.

² The Rákos Diet of 1525 resolved that though bishops and barons take part in the Council as before, the control is to be in the hands of the elected members. "*Summa tamen auctoritas omnium rerum apud electas personas maneat.*" The Council had already ceased to be styled "Royal Council," and was known as the *Consilium Hungaricum*.—See Timon, *Magyar Alkotmány és Jogtörténet*, p. 628, n.

³ The Papal Nuncio wrote in 1526 to the Pope, that if the Sultan were to proclaim himself the protector of the peasants they would join him.—Andrássy, *A Magyar Állam Fönmaradásának Okai*, i. 436.

68 EVOLUTION OF HUNGARIAN NATION

decadence and disintegration which rendered the country an easy prey to its enemies. The King, twenty-eight of the chief barons, 500 nobles, seven bishops, and 22,000 men, were killed at the battle of Mohács; the Turks laid waste the country as far as Buda, the period of Hungary's separate existence came to an end, and therewith the possibility of expansion south and west, to the Balkans and to the sea, which in time would have converted Hungary into a great European power.

CHAPTER II

BEFORE we attempt the description of the disorder and territorial disintegration characteristic of the period which immediately followed the disaster of Mohács, some reference must be made to certain details of administration as well as to certain officials and races whose names will recur from time to time, some acquaintance with whose functions and position during the pre-Habsburg period is necessary to a proper comprehension of subsequent events.

It has been seen how the King gradually developed into a constitutional monarch with a right of veto, a divided authority as regards legislative initiative, a partial control of military and foreign affairs, and none whatever of direct taxation. The executive officials, by a similar process of development, gradually lost their character of court functionaries, appointed by and responsible to the King alone, and were converted into officers of State responsible to the Diet, and liable to execution for treasonable conduct¹—an expansive term, and one which gave almost unlimited control over life and property to that body which was itself judge in all cases of treason.

The Palatine, Nádor,² or Comes Palatii, was originally, as the name indicates, no more than the chief court official; but already in the time of St. Ladislaus³ his

¹ Law of 1518.

² Properly Nádorispán, probably from the Slav, *nadvor zsupan* = Palatii Comes. German, Obergespan. *A Nádor i Országbirói Hivatala*, Frankl. (Fraknoi).

³ Law iii. § 3 of 1092.

sphere of action had widened, and we find him representing the King in his character of chief judicial authority. Under Coloman¹ he is not only the general representative of the King in his absence, but accompanies him on his judicial tours. In the reign of Béla III.² the Nádor goes on judicial perambulations instead of the King, as "*judex de latere regio missus*," to hold a *proclamata congregatio* in each county;³ and in the succeeding reign the nobles recognise his authority, whereas, previously, he had no jurisdiction over them unless they made voluntary submission.⁴ Thirty years later he had acquired independent judicial power not derived from his representation of the King; and a new and distinct character as president of the Diet in the King's absence and as custodian of one of the copies of the Golden Bull, "in order that having the document always before his eyes he may not deviate in anything from the contents thereof, nor allow the King or nobles or others to do so, that they may enjoy the liberty which is theirs, and may therefore ever be faithful to Us and Our Successors, and that the obedience due to the Crown may not be withheld."⁵ He thus became, in a sense, the responsible guardian of the Constitution. By the law of 1231⁶ the King undertook to remove unsatisfactory Palatines from office at the request of the nobles, and from 1291⁷ he was bound to ask their advice before making an appointment. The law of 1397, 14, enacts that the Nádor may be called to account for misconduct by the Diet and ejected with disgrace from an office, the final development of which to the position it occupied down to 1848 occurred in 1439,⁸ when it was declared that the Palatine should thenceforth be elected by the nobles, not merely as intermediary between King and

¹ 1095-1115.

² 1172-1196.

³ Herczegh, *Magyar Jogtörténet*, p. 82.

⁴ St. Ladislaus, Law iii. § 3, "qui spontanea voluntate iverint ad eum."

⁵ Golden Bull, 1222, cl. 31.

⁶ *Ibid.* cl. 3.

⁷ *Ibid.* cl. 9.

⁸ *Ibid.* cl. 2.

people, and representative of the constitutional principle, but as judge¹ between the two in questions of rights and obligations. The law of 1485 further defines his duties : to summon the Diet on the throne becoming vacant, to cast the first vote at the election of the new King, and to act as guardian of the monarch during minority. As such he may claim the same obedience as the King himself would be entitled to exact if of full age. He is the Commander-in-Chief of the national forces and the "mediator between the King and his people." He is responsible for the security of the kingdom and of the fitness of the fortified towns for purposes of national defence. If the King is absent from the country, the Nádor is *ex officio locum tenens regius*, invested with all the royal powers save of pardon and of conferring privileges and titles. If the monarch is of feeble intellect, or remiss in the execution of his duties, the Palatine can receive foreign ambassadors and negotiate with them. This is evidently no innovation, but a legal confirmation of ancient practice, as from 1414 to 1419 the Palatine as "*vicarius*" governed the country during Sigismund's absence.² By the law of 1525 (cl. 22) it was enacted that the office should be held for life.

The Chancellor's office developed in a similar manner. At first he was the Notarius who drew up and sealed documents on behalf of the King, and was not styled Chancellor till 1138.³ The clergy, being better educated than the rest of the nobles, for a long time monopolised the post, which for a considerable period was always held by the Archbishop of Esztergom. Not till 1366 was a layman appointed. The power of the Chancellor gradually increased, as it depended on him what matters were brought before the King, especially as regards the grant-

¹ "Judicium et justiciam facere potest et tenetur."

² Herczegh, *Magyar Jogtörténet*, p. 355, n.

³ Timon, *Magyar Alkotmány és Jogtörténet*.

ing of pardons and the conferment of privileges, exemptions, and titles. He represented the Crown in judicial matters, and was custodian of the *liber regius*, the official record of State documents signed by the King. Next to the Palatine he was the most important member of the Council of State, and that he had become a public official instead of a mere court functionary in the course of the thirteenth century is shown by clause 9 of the decree of 1290, which requires the consent of the Diet to the appointment even of his deputy the Vice-Chancellor.

The Treasurer (Magister Tavernicorum or Főtárnokmester) was no more than the manager of the King's private finances during the whole period of the Árpád dynasty, though clause 9 of 1291 required the advice of the Diet to be obtained, "according to ancient custom," before any candidate was appointed to the office. Under the Anjou dynasty he was promptly converted into a public official (Summus Thesaurarius or Főkincstartó), and had control of the tax voted from time to time by the Diet (*hadi addó*), the proceeds of which were utilisable only for military purposes. Numerous laws were passed for the purpose of controlling his actions: ¹ e.g. 1496, 33, for auditing his accounts, which proving unsatisfactory, his arrest was ordered; ² 1518 and 1521, 33, providing for the election of two barons and two nobles to see to the collection and disposal of the military tax—the nearest approach to Dietal budget control. Strictly speaking there was no State Treasury or State financial system, only a Fiscus Regius or Camera Regia, which was supposed to bear all the expenses of State; but the King's sources of income (*peculia Sacrae Coronae*) might not be alienated without the Diet's consent (1439, clause 18), and certain lands were specially intended to provide for the maintenance of the Court. Árpád and his descendants took a large slice of land for themselves (the *propria*

¹ Timon, *o.c.* p. 656.

² Herczegh, *o.c.* p. 369, n.

haereditas mentioned in St. Stephen's time), and all unoccupied lands belonged to the King, as did the domains or lands in the immediate neighbourhood of the fortified towns, lands forfeited for treason of their owners, and the property of nobles who left no heirs. Originally these were the chief, if not the only sources of revenue, but they were supplemented at an early period by the *regalia majora*, i.e. the salt monopoly, the customs duties, the right of coining, and the sole ownership of mines—inalienable and unmortgageable without the consent of the Diet. The collection and employment of the proceeds were also controlled by that body, which passed many laws dealing therewith (e.g. 1439, 11; 1464, 9; 1492, 30; 1514, 1). The right of coining was a source of considerable profit to the Crown,¹ which evidently was not over scrupulous as to the way in which it made use of its privilege. The Golden Bull shows that continual changes were made in the value of the coins. They were frequently called in and reissued at a discount, or were composed of metal not of the standard value, as is proved by innumerable protests of the Diet.² Originally all highways were looked upon as military roads, and as such were under the control of the King, who thus became entitled to make all merchants pay for using them.³ Both exported and imported goods paid one-thirtieth of their value, and a duty was charged on all merchandise using highroads and internal waterways, as on goods exposed for sale at fairs and market-places.⁴ The Diet determined what articles of import and export should be subject to

¹ Falsifiers of the coinage were punished as for high treason.

² Charles Robert left the mines of gold, silver, and copper in the possession of the surface-owners on terms of receiving two-thirds of the produce, but under Louis the Great the right of resuming possession was reserved to the Crown (1351, clause 13) on giving estates of equal value elsewhere.

³ Herczegh, p. 124 199., and Timon, *o.c.* p. 236.

⁴ The *tricesima*, as it was called, was first imposed by King Sigismund. It was temporarily abolished by Mathias Corvinus, but was soon revived.

payment of duty and provided for the collection¹ of the proceeds.

The first indication of a distinction between Crown and national revenues is found in the law of 1444, clause 3 of which provides that the proceeds of taxation are to be applied to the payment of Court expenses and of the cost of national defence, while other income may be utilised according to the King's pleasure.² Direct taxation was first introduced by Coloman (1100), or in any case was regularised by his law. A *census regalis*, or *collecta regalis*, was paid at that period by all freemen who were not nobles, as a recognition of the King's *dominium naturale*, by tenants of the King's land, and by foreigners *pro libertate* (cl. 80). Hence the proceeds were known as *liberi denarii*, referred to in the Golden Bull.³ The nobles at all times considered the payment of taxes as beneath the dignity of free men, and saw no difference between taxes paid to the King and the rent paid by serfs to their lords. Hence the numerous laws from the Golden Bull onwards guaranteeing and reaffirming the immunity from taxation enjoyed by all nobles or freemen. When the Crown had partially pauperised itself by excessive grants of land and of wholesale immunity from taxation, it had to make extraordinary levies on the non-noble freemen, at first only for the purpose of building fortifications, or of portioning the King's son on his marriage, but later for all purposes at the King's discretion ;⁴ and immunities granted by the Crown were held not to apply to extraordinary taxation of this nature. During the reign of the house of Árpád the chief regular taxes were the hearth-tax (*fumarii*) payable by every non-noble, free, householder, and the *terrarium* or land-tax.⁵ Besides these there were the so-called *munera*, nominally free gifts payable by the towns on New-Year's

¹ Law of 1405, 17 ; 1439, 6 ; 1492, 27 ; 1498, 29 ; 1514.

² Herczegh, *o.c.* p. 416.

³ Timon, *o.c.* p. 240.

⁴ Herczegh, p. 126.

⁵ Timon, *o.c.* p. 243.

day or on other festivals, and by lords-lieutenant, who were bound to entertain the King once a year, and to give him one or two hundred marks when he got up from dinner. In the middle of the eleventh century this custom annually produced ten thousand marks for the King's treasury,¹ which also received one-twentieth of the Church tithes.² The introduction of a regular system of taxation was necessitated by the establishment of a paid army under the Anjou dynasty, the basis of taxation being originally the *porta* (*i.e.*, the peasant homestead with a gateway large enough for a hay-cart to pass through) without reference to the number of persons living within it. This tax, which varied at different times from, roughly, one-seventh to one-third of a gold florin, was changed in the reign of Mathias Corvinus into a tax payable by all peasants except those of the clergy and of nobles possessing more than one *sessio* or peasant's allotment. Though this produced a large sum, it did not put an end to the necessity of occasional extraordinary taxation, to the extent even of a gold florin on every peasant household, and of the imposition of a poll-tax on the landless. Though from Albert's time no tax could be imposed without the consent of the Diet, Charles Robert, Sigismund, and Vladislav imposed such extraordinary taxes with varying success, without reference to that body, which invariably protested against the infringement of its privilege. The result was the law of 1453, absolutely prohibiting the collection of any extraordinary taxes whatever, an enactment which, as a matter of fact, did not prevent the Diet from subsequently voting special subsidies under exceptional circumstances. Thus, by degrees, were established the two principles: that of the Diet's complete control of direct taxation, and that of the nobles' absolute immunity therefrom. That the nobles

¹ Timon, *o.c.* p. 246.

² Granted by Pope Alexander IV. to Bela IV. in 1259. Herczegh, *o.c.* p. 127, n.

were not entirely altruistic in their resistance to the King's demands for money is obvious from the fact that the greater the exigencies of the public service the less the probability of the landlords obtaining their dues in full.

It must be remembered that the nobles had some justification for their rooted objection to pay taxes, and for the immunity which they maintained down to 1848. Every noble landowner,¹ no matter what the size of his property might be, was liable to be called out for military service at his own expense to resist foreign invasion,² and to pursue and take vengeance on the aggressor;³ and in a country like Hungary, "set in the midst—in the very jaws—of enemies, and requiring at all times to be defended by the sword,"⁴ the obligation was no insignificant one. Apart from the *levée en masse* of the nobles the King had his own forces, and these he could utilise both at home and abroad. They consisted, in the first place, of the poor nobles (*várjobbágyok*), who held land of the King, and were under an obligation to perform military service in return therefor. These provided the mass of the army at the disposal of the Crown. Secondly, there were the forces which the chief officers of State were bound to provide in virtue of their official positions, viz. the Palatine, the Bán of Croatia, the Voyvode of Transylvania, the lords-lieutenant of counties, certain bishops, and others, to whom the King had made grants of land, the consideration for which was the performance of military service.⁵ Thirdly, there were the soldiers whom the royal towns and privileged peoples like the Saxons were bound to provide. The non-noble free were under no obligation to serve, but eight, or sometimes ten, had

¹ In the case of brothers, joint owners, only one, the *utilior et acrior*, was bound to serve. Constitutions of Pest; Endlicher's *Monumenta*, p. 635, cl. 19.

² Golden Bull, cl. 7.

³ Law of 1231, cl. 16, "pro vindicta persequi."

⁴ Verbőczy, i. 18.

⁵ "Et quibus amplas concessimus possessiones," 1231, 15.

to club together to provide one soldier. If the king thought fit to employ mercenaries, he had to pay for them out of his own funds. With the Anjou dynasty the principle was introduced that while poor nobles were not bound to do more than give personal service, the great landowners must take a share in the defence of the country's interests proportionate to their means. Hence the law,¹ to which reference has already been made, fixing the peasant's dues at one-ninth of the produce of his land payable to the landlord, and one-tenth to the clergy, who, as nobles, were also liable to military service in defence of the country down to 1523, when they were allowed to find substitutes. For every hundred florins so received two mounted men had to be provided. The number of soldiers to be found under the new system in proportion to the number of peasants on an estate varied, from time to time, from three from every hundred to one from every twenty,² the so-called *militia portalis*. Nobles with no peasants originally had to give personal service only ; but from the middle of the fourteenth century three, four, ten, or twenty, according to the country's necessity and the decision of the Diet, had to find a mounted man between them,³ as well as to serve themselves under the flag of the lord-lieutenant of their county. The forces so raised amounted to from 100,000 to 200,000 men at various times out of a population of between four and five millions, of whom seventy to eighty per cent were Magyars.⁴ The local justices were entrusted with the task of registering all peasants liable to serve ;⁵ and by a law of the reign of Ladislaus V., nobles failing to provide their proper contingent of soldiers according to the number of their

¹ 1351, 6.

² Timon, *o.c.* p. 744, *n.* The origin of the word *hussar*—*húsz*=20. "*Gentes potissimum levis armaturae sive húszarones*," 1486, cl. 31.

³ Timon, *o.c.* p. 745, *n.*

⁴ *Mátyás Király Birodalma*. Beksics, p. 39.

⁵ Law of 1435.

tenants, had to pay sixteen florins for each mounted man whom they failed to supply, and ten for every foot-soldier. In case of non-payment within fifteen days, defaulters were to be kept under arrest until their obligations were fulfilled.¹ The number of men called out for service in every case depended on the decision of the Diet, as did the assessment of the military tax; except, therefore, as regards the forces provided *ex officio* by the great officers of state and by the King, the control of the Diet was complete in military matters. Charles Robert, relying on the love of display of the Hungarians, introduced the so-called Banderial system, which allowed nobles who found one hundred or more soldiers² to bring them under their own flag instead of fighting under that of the lord-lieutenant of their county. The result was a competition among the nobles for the distinction of having brought the greatest number of retainers. The qualifying number was subsequently reduced, and from 1492 onwards the privilege was extended to all who brought not less than fifty armed men. For foreign expeditions the King could rely only on his own forces, and on the *banderia* of the officials already referred to,³ each of whom provided not less than 500 mounted men.

The want of a permanent body of disciplined troops began to be felt. Consequently King Mathias organised a force of 14,000 infantry and 20,000 cavalry, known from their uniform as the Black Brigade,⁴ the pay and cost of maintenance of which was voted from time to time, as required, by the Diet, which stipulated that the officers of the Brigade as well as those in charge of the fortified places on the frontiers should be exclusively

¹ *A Magyar Nemzet Története*, iv. 130.

² Timon, *o.c.* p. 746. Herczegh, p. 314, *n.*, says 500.

³ The so-called Zászlós urak, or Bannerets.

⁴ Herczegh, *o.c.* p. 414. Horn, *Le Compromis de 1868 entre la Hongrie et la Croatie*, says they were mostly Croatians.

⁵ 1471, 6, and 1492, 8.

Magyar. The establishment of a permanent force led to the decay of the Banderial system, and as, after the death of Mathias, the Black Brigade became disorderly and fell to pieces, the country became unable to defend itself against the better organised and better armed Turkish troops. The result was the disaster of Mohács.¹

As has been mentioned, the nobility never constituted an exclusive caste, for all free Magyar landowners nominally enjoyed precisely the same privileges. In practice, however, this was not entirely the case, wealth and official position being differentiating factors; and though, nominally, no difference of birth was recognised before 1608, there were certain families which possessed the hereditary right of admission to the Council² (membership of which otherwise depended on the holding of certain high offices), and others, the members of which were known, at all events as early as the reign of Béla IV.³ as *barones naturales* or *barones solo nomine*. These latter

¹ The Turks had 300 guns at Mohács, the Hungarians only 80.—*Mátyás Király Birodalma*. Bekaica, p. 21.

² Marczali, *A Magyar Nemzet Története*, ii. 639, cites a patent given to the Frangepán family by Béla IV., in return for a money subsidy required for the purpose of raising mercenaries, in virtue of which all its members became *primates*, and received in perpetuity the right to a seat in the King's Council, and to all the privileges, honours, and franchises attaching to the chief lords of the kingdom. So it would appear that higher nobles were recognised as a class in 1263. Further, Szalay, *Magyarország Története*, iii. 187, n., says that down to the time of Sigismund "*Immunitas*" from the jurisdiction of the county authorities carried with it the title of baron. For an example of "*Immunitas*" see Marczali, *Enchiridion Fontium*, p. 209 sqq.: a charter granted in 1330 to the Báthory family. The family and all living on their land, including foreigners, are excluded from the jurisdiction of the Palatine and county authorities in perpetuity, and the peasants are exempt from payment of all State taxes and dues; jurisdiction is given to the family in all civil and criminal cases, and power to inflict the penalty of death, mutilation, and branding, and to keep a gallows always standing for the discouragement of evil-doers. These immunities, which also gave the right to build castles, gave rise to an oligarchy, to an attempt to bring the smaller landowners into a state of feudal dependence, and to the pauperisation of the Crown. They produced a breach in the solidarity of the people, which was largely answerable for the disaster of Mohács.

³ Beöthy, *o.c.* i. 332.

possessed the title, but not the office of the *veri barones regni*, the Palatine, Chief Justice, Bán of Croatia, Voyvode of Transylvania, and other officials, members of the Council of State enumerated by Verbóczy, in which recognised class of great nobles the bishops were included in virtue of their office. The title of Count (*gróf*) was held in the fifteenth century, if not earlier, by such nobles, *comites liberi et perpetui*, as exercised completely independent authority over whole districts.¹ Though the conferment in perpetuity of the right to exercise such authority was forbidden by the Golden Bull,² grants continued to be made in Croatia and Slavonia.³ The creation of Counts without reference to landed possessions or special authority did not begin till after the introduction of the Habsburg dynasty, which, after 1608, created Counts of the Holy Roman Empire largely with a view to obtaining a majority in the Upper House. The same may be said of the Dukes or Princes created by the House of Habsburg, who thus became possessed of a title confined under the Árpád dynasty to members of the reigning family.⁴

It will be remembered that all barons, that is to say officials dependent on the King and hereditary lords-lieutenant, were excluded from the Diet of 1298; but there is no evidence to show that this was the usual practice, and that their influence was permanently confined to the council chamber. In the first place, both custom and law not only allowed, but in early days, compelled

¹ Timon, *o.c.* p. 534.

² Cl. 16.

³ Herczegh, *o.c.* p. 316.

⁴ It was the custom from St. Stephen's time to confer the government of districts on sons or brothers of the King, with the right of coining, keeping troops, etc., and the heir to the throne was often crowned as "rex junior" in his father's lifetime. As such he had his own officials, chancellor, treasurer, etc., but held his position only *ex voluntate patris*. Emerich (Imre), son of Stephen, was apparently the first Duke, as governor of Slavonia. Béla, brother of Andrew I., governed a third of the kingdom.—Herczegh, *o.c.* pp. 64, 65.

The title of Prince was conferred for the first time on one not of royal blood, on the Voyvode of Wallachia, by Louis the Great.—Timon, *o.c.* p. 538.

the attendance of all nobles;¹ in the second place, the established principle that votes should be weighed and not counted² makes it improbable that those who, owing to their position and attainments, were best qualified to form public opinion in such an unwieldy body as the Diet of early days should have been habitually excluded from its deliberations. The fact of its unwieldiness soon led to an attempt to alter its composition by the introduction from time to time of the representative principle; but the fact that a recurrence to the old system frequently took place shows either that the recollection of the old mass meetings of the tribes died hard, or, what is more probable, that the people had little confidence in the ability of their representatives to resist the blandishments, or the attempts at bribery or intimidation, of the powerful nobles³ or of the King. The latter would, no doubt, find it easier to get subsidies voted by a comparatively small body of representatives than by the great mass of the impecunious, and, consequently, would be the warmest partisan of the representative system. But there was another reason for the introduction of that system. It came to be regarded, not as a deprivation of a right, but as an alleviation of a burden. The law of 1526 (cl. 16) says that "poor nobles have become so exhausted by the frequency of the meetings of the Diet that they have been compelled to mortgage their property to meet the excessive expense, and so have degenerated into a condition of perpetual rusticity." The great nobles dragged out the meetings

¹ "Omnes servientes (*i.e.* nobles) libere illic (Székesfehérvár) convenient," 1222, cl. 1, and 1290, cl. 25.

² Verbóczy says: "Verum si populus in duas divideretur partes, tunc constitutio sanioris et potioris partis valet. Sanior autem et potior pars illa dicitur in qua dignitate et scientia fuerint praestantiores atque notabiliores," iii. 2. The law of 1495, 25, ordains that each member of the Council is to be asked his opinion; but still the "Saniores" had it their own way, and though continual disputes arose in consequence, the system continued till after 1825.

³ See Andrassy, *A Magyar Állam Fönmaraddídnak Okai*, i. 392.

in order to tire out the opposition,¹ and non-attendance became a habit. It was resolved, therefore, that business must be begun on the fourth day after that fixed for the opening of the Diet, and concluded within fifteen days; and that all who failed to attend should be heavily fined.

Fear of expense and distrust of their representatives alternately influenced the lesser nobles. It seems that in the twelfth century all attended every year. In 1267 it was enacted (cl. 8) that "two or three from each county" should appear. The law of 1290 (cl. 25) demands the attendance of all nobles; and it is the same in 1318. In 1385 four representatives are summoned from each county. In 1486 an unspecified number of "elected nobles representing the whole kingdom" attended the Diet of Buda according to the decree of that year. Nine years later the entire body of nobles was summoned; and we may take it that the right of all nobles to appear was never abolished till 1608, though after Mohács circumstances made its exercise an impossibility.² In early times the Diet, or *parlamentum publicum*,³ as it was styled in 1288, was summoned annually; but, apparently, it became the habit early in the fourteenth century to call it together at uncertain intervals when required, as it was then no longer summoned for judicial purposes. The law of 1498 decreed its convocation every year for the next four years, and then every three years; that of 1563 requires an annual sitting to be held, but the rule was not observed. Ferdinand II., in his *diploma inaugurale*, undertook to summon the Diet at least every third year;⁴ and this continued to be, nominally, the rule till 1848.

¹ By 1492, 108, the Diet was bound to wait three days for the bishops and barons, and then could proceed without them.

² Apparently the whole body of the nobles was summoned for the last time, and under penalty for non-attendance, by Maximilian in 1572, for the coronation of his son.

³ Also styled *Parlamentum generale*, *Concilium commune Regni*, *Conventus Regni generalis*, *Diaeta generalis*.—Beöthy, *o.c.* i. 48, and Kmety, *Közjog*, 248, n.

⁴ Timon, *o.c.* p. 599. How long the Diet continued to be held in the

Till 1608 the Diet consisted of one chamber only, though the King's Council contained the germ of the Upper House of a later day. It is evident that in the time of the Árpád dynasty it was the usual practice for the King to consult the Council as to proposed legislation before the meeting of the Diet took place; and cl. 25 of the law of 1495 made it obligatory to do so.

In early days the Magyar population had little inclination for anything but country life, and the towns developed but slowly from the communes, in which strangers were encouraged to settle for purposes of trade by the grant of immunity from the payment of customs duties¹ and of the permission to hold fairs and markets under the supervision of the governor of the fortified town²—the political centre of every county. The urban population consisted chiefly of Germans and Jews, who did not speak Hungarian, and so lived a life apart and took no part or interest in the common affairs of state. Their very privileges were a cause of, and accentuated, their isolation, made them dependent on the King,³ and hostile or indifferent to the constitutional rights of the rest of the people. As early as 1230 town councils existed, invested with judicial authority, and consisting of a judge

open air after the manner of the old tribal meetings is uncertain; anyway it was not so held after the introduction of the Anjou dynasty. It was not always held at the same place, but Székesfehérvár was the traditional place for the Coronation Diet. After Mohács, Pressburg (Pozsony) became the regular place of meeting, and continued to be so, apparently for the reason that it was close to Vienna, and gave the Habsburgs a greater degree of control than they would have had over a Diet meeting at more distant Buda. The oldest extant *litterae regales*, or letters of summons, are of 1318. They state that the Diet is summoned under pressure, under threat of excommunication, apparently the only means the nobles had of compelling an unwilling King to convoke them.—Herczegh, *o.c.* p. 338, n. Since Sigismund's time the *litterae regales* specified the chief subjects for the discussion of which the Diet was to meet.

¹ 1405, cl. 17.

² Herczegh, *o.c.* p. 73.

³ "Bona et peculia Sacrae Regni Coronae." "Die Magyaren errichteten in Ungarn den Staat, die Deutschen schufen die Städte."—Hunfalvy quoted by Schwicker, *Die Deutschen in Ungarn und Siebenbürgen*, Vienna, 1881, p. 87. See the chapter entitled "Die Deutschen und das Städtewesen in Ungarn."

(Major villae or villicus)¹ and ten or twelve jurors elected by all householders. From the decisions of this body an appeal lay to the King's treasurer. The actual government of a town was in the hands of an outer and an inner council: the former consisting of forty to one hundred members,² the latter of twelve to twenty-four senators elected for life, with whom lay the appointment of all executive officers. There were no definite class distinctions, but certain towns had an exclusively racial character, and in many places the result was the establishment of a narrow German oligarchy, which took advantage of its privilege of making by-laws and regulations to refuse to allow Magyars or members of other races to own property within the town limits, and so excluded them from participation in municipal government.³ For a long time the towns were unrepresented at the Diet. The representatives of the larger ones were in fact summoned from time to time for special objects,⁴ for the discussion of terms of peace or of financial questions, but the first occasion on which they undoubtedly took part in the general business of the Diet was in 1405. In that year eight⁵ free towns sent their representatives, elected for the purpose, not by the mass of the citizens, but, as in later days also, by the town councils. This fact deprived

¹ Timon, *o.c.* p. 204, *n.* See also the charter given to Buda in 1276, cl. 3, in Endlicher's *Monumenta*, p. 543, and law of 1405, giving jurisdiction in case of all offences committed within the town limits.

² In Pest 124.—Herczegh, *o.c.* p. 386.

³ The exclusive tendencies of the Germans made it necessary to take measures for the protection of other nationalities, and cl. 12 of the law of 1608 declared that at elections to municipal offices no regard must be had to nationality, and that Magyars and Slavs must be allowed to own property within the town limits. As this law received the assent of an Austrian king, it may be concluded that the scandal which gave rise to it must have been considerable. In most towns less than one hundred persons possessed the rights of citizenship.—Horváth, *Huszonöt év Magyarország Történelméből*, i. 619.

⁴ *E.g.* in 1397 to the Diet at Temesvár.

⁵ Called *liberae et Regiae civitates*, to distinguish them from the *liberae*. Verböczy enumerates eleven such, and early in the sixteenth century there were fifteen.—Timon, *o.c.* p. 563, *n.*

them of their representative character, and justified the general view that they were mere tools of foreign trade-guilds, anti-Magyar in spirit, and blind partisans of the King whenever the interests of the Crown and the nation happened to be opposed. Hence the continued opposition in the Diet to the extension of urban representation, of which more will be heard hereafter, and the fact that all the privileged towns together were regarded as forming only one *nobilis persona* entitled as such to the apparently derisory, but actually sufficient, privilege of one vote. More they could hardly expect so long as they were under the thumb of the Court, and were not only indifferent, but actually hostile to the desires of the nation whose favoured guests they were,¹ whose language they were unable to speak.² In return for their privileges they paid a land tax and a military tax to the Crown, and were under an obligation to find a certain number of soldiers, but only in the event of the King taking the field in person.

Before Mohács, Transylvania, "*antiquissimum Hungariae Regni membrum*," as it was styled by the Diet of Pressburg of 1691, formed an integral part of Hungary, and consequently had no separate legislative body, but sent its representatives to the Diet in the same way as the counties of Hungary proper sent theirs. Being somewhat shut off from the rest of the country, it was, from St. Stephen's time, placed under a Voyvode, or permanent governor, who, in time, came to occupy much the same position as that held by the Palatine in Hungary. The population consisted of Magyars, Szeklers, and Saxons, spoken of as "the three nations of Transylvania," each having their own separate organisation down to 1437, when, owing to a rising of Wallachian and other peasants,

¹ Michael Horváth, *Magyarország Történelme*, vi. 25.

² The deputies of Pozsony, Buda, Kassa, and Székesfehérvár to the Diet of 1446 could not understand Hungarian, as shown by a letter of one of their number quoted by Knaus, *Az Országos Tancs és Országgyűlések Története*, p. 41 and note 179. But Szalay, *o.c.* iii. 89, n., doubts this.

they formed, for purposes of defence, a "fraternal union," which was developed in 1507 by the establishment of a common judiciary. A general meeting of all the nobles is first spoken of as having taken place in 1291, and from that time forward frequent mention is made of meetings of the *congregatio generalis trium partium* for judicial purposes as well as for the discussion of questions of local finance and military matters.¹

The origin of the Szeklers (Latinised as Siculi)² is uncertain. Procopius³ says that 3000 Huns entered Erdeleu⁴ after their defeat, "calling themselves, not Hungarians, but Zekul," and that the Szeklers were the descendants of the Huns who stayed in Transylvania until the return of their congeners under Árpád. The anonymous scribe of King Béla speaks of them as "formerly Attila's folk," but Timon⁵ shows that this could not have been the case, as their language proves that they could not have separated from the main stock until the Magyar tongue had attained its full development, which did not take place until a considerable time after the occupation of Pannonia had become an accomplished fact. Marczali⁶ thinks they were members of a kindred tribe, neighbours of the Magyars in their old home, who are known to have settled in parts of Hungary and Bulgaria.⁷ Pauler, on the contrary, believes that they were pure Magyars transplanted to Transylvania by St. Ladislaus in order to have a permanent defensive force on the frontier; but if this was their origin, it is

¹ Timon, *o.c.* p. 695 sqq.

² Probably originally Scythuli. The Epitome of Peter Ransanius in the *Chronica minora*, ed. Flórian, p. 153, says they were the descendants of Sicilians who fought under Attila, a mere invention to account for the name.

³ *De Bello gothico*, iv. 18.

⁴ The Hungarian for Transylvania is "Erdély."

⁵ *O.c.* p. 75; so too Hunfalvy, *Magyarország Ethnographidja*, 200.

⁶ *A Magyar Nemzet Története*, ii. 170.

⁷ The Bessenyők or Patzinakites of Constantine Porphyrogenitus.

strange that it should have been forgotten so soon. In support of the theory is the fact that the obligation of military service was universal with the Szeklers, who were, in consequence, exempt from taxation. They long maintained the old family and tribal organisation with its military basis,¹ the King's authority being represented by an Ispán, known as the Comes Siculorum, and the seven districts and the seven free towns elected their own military and judicial officers. The seven captains and seven judges of the district, as well as the Comes, attended the Hungarian Diet. Similarly, the Magyar part of Transylvania was divided into seven counties, each under its Lord-Lieutenant and corresponding officials, as in Hungary proper. Every county and each of the four towns sent two representatives to the Hungarian Diet.

In early times the Hungarians not only did not oppress but actually gave exceptional privileges to the strangers within their gates who, later, ill requited the hospitality they had received. Of the so-called Saxons the earliest settlement came into existence in the reign of Géza II., about the year 1147, when floods in Flanders² drove out a considerable section of the population, which betook itself to Saxony in search of a new habitation, but finding that country a prey to famine, resumed its wanderings, accompanied by many Saxon families, and eventually reached the northern part of Hungary. There, in 1147, King Géza allowed them to settle in the district of Szepes (Zips), recently devastated by the incursion of the Kuns, and gave them special rights and immunities which were confirmed by subsequent kings. At first they did not form a separate political body, but by charter of 1271,³ confirmed in 1312 by Charles Robert,

¹ Herczegh, *o.c.* p. 102, *n.* Hunfalvy, *l.c.*, states that the name Szekler signifies frontier-guard.

² In the thirteenth century they were known as Flemings, not as Saxons *Regestrum de Vdrad*, 1231-1235.—Endlicher's *Monumenta*, p. 701.

³ Endlicher's *Monumenta*, p. 522.

the twenty-four so-called towns were formed into a separate *provincia*, at the head of which was a *comes* or *judex* chosen by the inhabitants, who were thus withdrawn from the jurisdiction of the King's justices¹ and kept their own laws and customs. In return for their privileges they paid the King three hundred marks of fine silver every year, and were bound to provide him with fifty lancers in time of war.

It seems that the Saxons of Transylvania mostly came from the neighbourhood of Cologne and Düsseldorf, whence they were driven by the oppression of feudal lords.² By the charter of Andrew II.³ (1224) these "Theutonici Ultrasylyvani" were recognised as a separate political organisation, were allowed to choose their own lay and ecclesiastical officials, and were subjected to the authority only of the King and of their own Ispán.⁴ Their traders were allowed to import their merchandise free of duty into all parts of Hungary and to hold fairs and markets. Originally they elected their own burgher-masters and judges, but in or before Sigismund's reign these offices had become hereditary in certain families. An end was put to this, and the elective principle was restored, by Mathias Corvinus in 1477. Each town had its popular assembly, its inner council of twelve members, and its outer one of fifty to one hundred. The Transylvanian Saxons were bound to find 500 soldiers for home defence, provided the King took the field in person, and 100 for service abroad. They also paid 500 marks per annum to the royal treasury. Like their

¹ "Quia homines sunt simplices et in jure nobilium nequeunt versari."—Timon, *o.c.* p. 217, n.

² Keinzel, *Ueber die Herkunft der Siebenbürger Sachsen. A Magyar Nemzet Története*, ii. 412 sqq. See also *Enchiridion Fontium*, p. 145. Schwicker, *Die Deutschen in Ungarn und Siebenbürgen*, p. 80 sqq., and especially Teutsch, *Geschichte der Siebenbürger Sachsen*, Hermannstadt, 1899, p. 8 sqq.

³ Teutsch, *o.c.* p. 27.

⁴ Appointed by the King—official title, Comes Cibiniensis, Count of Szeben.

fellow-countrymen elsewhere the Saxons would in all probability have lost their individuality, and have become merged in the Magyar nation, but for the special privileges which kept alive the spirit of racial distinction, the results of which were felt all through Hungarian history.

Slavonia formed part of Hungary from the earliest times, as is proved by reference to the treatise of Constantine Porphyrogenitus already referred to,¹ but was not converted to Christianity till the time of St. Ladislaus.² It enjoyed a certain measure of self-government, had its own Congregatio, which could pass by-laws of local application, paid only half the taxes paid in Hungary,³ could elect its own Comes and bishops, and used its own laws and rules of judicial procedure. No Magyar or other foreigner could live or hold property in the privileged towns⁴ without the express consent of the municipal authorities. The Congregatio⁵ sent elected representatives to the Hungarian Diet.⁶

Croatia,⁷ annexed in 1091 by St. Ladislaus, revolted

¹ *De Administrando Imperio*.

² This statement is not borne out entirely by the document which Timon (*o.c.* p. 224, *n.*) quotes in its support, "László qui terram slavonie" (*i.e.* the parts between the Száva and Dráva) "sive banatum ab errore ydolatrie ad Christianitatem convertem corone Hungarie subiugavit."

³ Szalay, *Magyarország Története*, iii. 265, *n.*

⁴ See the charter granted in 1108 to the town of Traun by King Coloman, in Marczali's *Enchiridion Fontium*, p. 126, regarded as the model for all such charters.

⁵ Timon, *o.c.* p. 716 *sqq.*

⁶ Law xxiii. of 1751. After Mohács Slavonia came under Turkish domination, and was not restored to the Sacred Crown till 1699—the peace of Karlócza. Since 1751 it was under the authority of the Bán of Croatia.

⁷ See Timon, *o.c.* p. 716 *sqq.*; and Herczegh, *o.c.* p. 226 *sqq.* Croatia of to-day is territorially distinct from the original country of that name. In the twelfth century Croatia was the name of the district lying between the Kulpa and the Verbász, and included the present Bosnia and parts of modern Dalmatia. Such was the independent kingdom of Zvonimir before it was united to Hungary. This original territory was subsequently occupied by the Turks, and the Christian population took refuge in the strictly Hungarian district lying between the Száva and Dráva. The rights enjoyed under

after his death, and was reconquered in 1105 by Coloman, who assumed the title of King of Croatia and Dalmatia, and placed both countries under a Dux or Bán invested with the functions of governor or chief justice. By the "Privilegium libertatum," granted a few years later, Coloman allowed the Croatians to keep their old laws, and to forbid the ownership of real property by Magyars, exempted the nobles from the payment of taxes to the royal treasury, and permitted migration to all who might consider themselves aggrieved by Hungarian rule. Except for the fact that they had no right of armed resistance to the King, the Croatians in most respects enjoyed rights similar to those possessed by Magyar nobles, as, apart from immunity from taxation, they were liable to military service outside the limits of Croatia only under the personal leadership of the King, and at his expense. Croatia had its own *diaeta generalis*, which could pass laws of local application only¹ and provided for the assessment and collection of the military tax and the enrolment of the military contingents required by Hungary. Dalmatia² received similar rights from Coloman, and, though in general under Hungarian law, had certain old privileges confirmed later by Charles Robert and Louis the Great. For instance, the Dalmatians elected the governors of the

Hungarian predominance were continued to those in the new, which gradually lost its essentially Magyar characteristics, though it continued to be subject to the spiritual lordship of the Magyar bishop of Kalocsa.

¹ Verbóczy, *Jus Tripartitum*, iii. 2.

² Occupied by the Venetians early in the Anjou period, restored to Hungary in 1358, but again occupied by Venice in 1420. In 1432 the whole of Dalmatia came into the possession of Venice, which continually had to fight the Turks to maintain its rights. By the Peace of Campofornio Francis I. recovered Dalmatia as belonging to the Sacred Crown of Hungary, but kept it only till 1805, when it became a French possession. Recovered in 1816, it was incorporated in Austria, illegally, as Francis's claim to it was based solely on the fact that it belonged to Hungary. Fiume formed a "separatum Regni Hungariae coronae adnexum corpus," a detached but integral part of the Magyar kingdom, in accordance with the "Benignum Rescriptum" of Maria Theresa, 1779.

towns, the bishops, and the lower judicial authorities; and one-third of the customs duties was applied to local purposes, the remainder being paid into the Hungarian treasury. In Dalmatia the King did not claim the right of investiture or any judicial control of ecclesiastics. These three districts of Slavonia, Croatia, and Dalmatia, at first spoken of as *partes subjectae*,¹ and later, out of deference, it appears, to Croatian susceptibilities, as *partes adnexae*, never seriously claimed more than a certain degree of municipal independence, though the Croats asserted, in their address to Ferdinand I., that they had joined themselves of their own free will to the Crown of Hungary, and in pursuance of their historical rights had voluntarily elected him to the throne. The value of such claim is indicated by the fact that though, possibly, some early kings of Hungary caused themselves to be crowned kings of Croatia,² Sigismund absolutely declined to do so, and from that time forward coronation with the Crown of St. Stephen was all that was required to give Kings of Hungary authority over the annexed or subject parts. Deputies sent by the provincial Congregatio had seats in the Hungarian Diet, and six towns and the district of Turopolja each sent representatives to that body, which passed many laws dealing with purely Croatian affairs, as the Corpus Juris Hungarici shows³—a suffi-

¹ Diploma of 1490 and Verbóczy, iii. 2, who distinctly states that Dalmatians, Croats, and Slavonians, and any other people "*quae alterius subest dominio nulla potest condere statuta nisi cum consensu sui superioris.*" The laws of 1579, 1715, 2, and 1723, show that the usual phrase was "*Regnum Hungariae partesque eidem adnexae vel subjectae.*" Appeals from the local courts went before the High Court, the Királyi Curia of Hungary, both in Verbóczy's time and later in accordance with laws of 1723 and 1807. Beöthy, *A Magyar Államiság Fejlődése Küzdelmei*, ii. 271, cites a document of 1492, signed and sealed by the Bán and sixty-two chief nobles of Croatia, in which are the words "*coronae atque regno subjecti sumus.*" They are styled "*Subjectae*" in clause 8 of the Peace of Nagy-Váradi, 1538, and in the preamble to the laws of 1608.

² Kmety, *A Magyar Kézjog Tankönyve*, p. 148, says that Coloman was the only one to be crowned King of Croatia.

³ E.g. 1351, xii., provides for the payment of the *lucrum camerae* by the

cient proof of the baselessness of Croatia's claim, advanced at a later date, to be considered an allied and not a subordinate state.¹ The key to later history is to be found in the fact that Croatia desired to be united to its congeners, Styria, Carinthia, and Carniola, and so to form a Slav state of greater importance than it could ever aspire to attain as a constituent part of the realms of the Sacred Crown.

The Wallachs or Roumanians claim to be descendants of Roman colonists, but there is not a vestige of evidence to show that any Roumanians lived in Transylvania at the time of its occupation by the Magyars.² They were a

inhabitants of the district between the Dráva and Száva. 1471, vi., enacts that the fortifications on the Croatian frontier shall be entrusted to Magyars. The sixth decree of Sigismund shows that the form of the oath to be taken by all Croatian officials, from the Bán down to the lowest judicial authorities, was fixed by the Hungarian Diet.

¹ Horn, *Le Compromis de 1868 entre la Hongrie et la Croatie*, tries to show that Croatia was never a Hungarian province, but an allied state which had never been conquered. He admits, however, a "partial" conquest by St. Ladislaus, and that when Coloman advanced later with an army to enforce his claims, the Croats accepted his terms rather than fight, which scarcely looks like voluntary alliance. His argument for the independence of Croatia, based on the fact that the Bán Imre issued instructions "*auctoritate regia*," pp. 41, 42, proves, if anything, precisely the contrary, as the Bán was son of the King of Hungary and ruling *ex voluntate patris*, who obviously had complete control of Croatia if he could delegate régál authority without reference to that country. It should also be observed that Bâns were almost invariably Hungarians down to 1848, when the usual practice was departed from for an obvious reason. No conclusion can be drawn in favour of Croatia's independence from the fact that its deputies did not attend the Hungarian Diet from 1527 to 1593, as owing to the Turkish occupation everything was in an abnormal condition. Later they invariably attended, took part in the election of the Palatine, and demanded that their Bán should have a seat at the Diet, p. 80. In fact Croatia, as M. Horn admits, was proud of its connection with the Sacred Crown until it conceived ideas of expansion and of absorption of other Slav elements; and indeed, until then, it never looked upon its privileges as other than municipal rights. Laws of 1439, 26, and 1492, 8, required the Bán to be a Hungarian, and the Croats themselves demanded that it should be so, as they would not obey one of their own race.—Szögyény Marich László, *Emlékiratai*, p. 66. See also Auerbach, *Les races et les nationalités en Autriche-Hongrie*, Paris, 1898, pp. 315-316. For the argument based on Croatia's action *re* the Pragmatic Sanction, see below, p. 186, n.

² Paul Hunfalvy, *Die Rumänen und ihre Ansprüche*, Vienna, 1883, p. 39 sqq., as to the evidence of names of rivers and places showing no vestige of a

race of nomad shepherds who gradually wandered into Hungary from the Balkan peninsula in the course of the twelfth century, bringing their Slav liturgy, an indication of their true origin, with them.¹ The theory of Roman origin, mentioned by Bonfini,² was seriously revived by Sinkai in 1807 on the authority of Eutropius,³ who says that Trajan, after the conquest of Dacia, brought thither an immense number of people from all parts of the Roman world to till the land and occupy the towns, for the male population had been exhausted by the long war with Decebalus. But even if this statement is correct, it does not necessarily imply the total extermination of the

Romance population. See also De Bertha, *Magyars et Roumains devant l'histoire*, Paris, 1899, ch. vi., and Hunfalvy's *Magyarország Ethnographiája*, pp. 479 sqq., 499.

¹ Herczegh, *o.c.* p. 104. For the evidence of language see Hunfalvy, *o.c.* pt. ii. The Cyrillian characters were used down to the end of the eighteenth century, when Sinkai issued the first Roumanian grammar, 1780. Cihac's *Etymological Dictionary* shows that the Slav words in use vastly exceed those of Romance origin (*ibid.* 222). See also Auerbach, *Les races et les nationalités en Autriche-Hongrie*, Paris, 1898, p. 290; and Baloghy Ernő, *A Magyar Kultúra és a Nemzetiségek*, Budapest, 1908, pp. 98, 106 sqq.; also Beksics Gusztáv, *A Román Kérdés*, Budapest, 1895, p. 20 sqq. The Bible was not translated into the Rouman language till the time of George Rákóczy in the middle of the seventeenth century. Pič, *Zur Rumanisch-Ungarischen Streiffrage*, Leipzig, 1886, admits, p. 42, that the post-position of the definite article in Roumanian is a serious stumbling-block in the way of those who would assign a Roman origin to that language. Even the Roumanian name for Transylvania, "Ardeal," was clearly taken from the Hungarian Erdély, a proof that the Wallachians came on the scene after Transylvania had received the Magyar stamp. Pič can do no more by way of answer to the above fact than refer to the existence of a Rutulian town, Ardea, in Italy, *o.c.* p. 80.

² *Rerum Hungaricarum Decades*, 7th ed., Leipzig, 1771, p. 284. Of modern partisans of this theory see especially Pič, *Zur Rumanisch-Ungarischen Streiffrage*, Leipzig, 1886, ch. i. The letter of Pope Innocent III. in 1204 to the Hungarian King shows that he believed the Wallachs to be Bulgarians, but apparently he himself suggested to the Wallachians the theory of their Roman origin in the hope of weaning them from the Eastern Church.—See Hunfalvy, *Die Rumänen*, etc., p. 69. Niketas Choniates, writing at the end of the twelfth century, speaks of the Blacchi, "formerly called Mysians," as having previously been under the same rule as the Bulgarians. See also the reply of the Transylvanian Orders to the *Supplex Libellus Valachorum* in 1791. Jancsó Benedek, *Szabadságharcunk és a Dako-Román Törökvédek*, Budapest, 1895, pp. 2, 3, 25 sqq.

³ Book viii. 2-3.

Dacians;¹ and if the imported colonists were "*ex toto orbe Romano*," they were obviously anything rather than Roman. Mommsen, who clearly shows that the Dacians, so far from being exterminated, gave considerable trouble to later Roman emperors, says that the imported colonists were Dalmatians and inhabitants of Asia Minor.² Sinkai, in his anxiety to find a respectable origin for the Wallachs, quotes Eutropius when that writer apparently supports his theory, but not when his evidence is destructive. He therefore omits all reference to the passage³ in which his author states that the Emperor Aurelian, "despairing of his ability to retain the province of Dacia, which Trajan had constituted beyond the Danube," withdrew the Romans therefrom in A.D. 270, abandoning it, according to Gibbon,⁴ to the Goths and Vandals. Little is heard of them in early Hungarian history. The Blacchi⁵ are mentioned some-

¹ See Hunfalvy, *o.c.* p. 12 *sqq.*, and, as to the evidence of inscriptions, p. 8, which prove the existence of a very strong Dacian element.

² *The Provinces of the Roman Empire*, bk. viii. ch. vi. Mommsen, in fact, says that Roman rule was never effective in the parts of Moldavia, Bessarabia, and Wallachia, which were "nominally" incorporated in the Roman Empire. "Even the language of the country maintained its ground." According to the same authority, the Dacians, Moesians, and Thracians all spoke the same language. The two legions posted on the left bank of the Danube were finally withdrawn in 260 A.D., and therewith disappeared the last vestiges of Roman control. The Roman coin and inscription of latest date are of 255 A.D.

³ viii. 15.

⁴ *Decline and Fall of the Roman Empire*, ii. 11 *sqq.* Gibbon is often cited in support of the Roman origin of the Wallachians, who, he wrongly says, "boasted in every age of their Roman descent," vol. ii. ch. xi., but in vol. vii. ch. lv., he says that they are of kindred origin with the Bulgarians, Servians, etc.

⁵ Vlachs, from the German expression for Romanised races, Walsch, see Hunfalvy, *o.c.* pp. 76 and 241-250. Verantius, a writer who lived at the court of John Zápolya, in the sixteenth century, mentions the Vlacchi, and says they had no freedom nor property, and lived a miserable life scattered about the mountains with their cattle.—See Kovachich, *Script. Minor.* ii. 106. Simon Kézai, *Gesta Hunnorum*, i. 5, mentions the Blacki as living mixed up with the Szeklers in early days, but evidently he and the other chroniclers who mention the Wallachs could account for their existence and for the servile position they occupied only by assuming that they were aborigines conquered by the Magyars. The anonymous scribe of King Béla refers to the existence of a

what contemptuously by the anonymous scribe of King Béla, and a document of the reign of Andrew III. (1293) refers to them as serfs of the King whose wanderings must not be allowed to continue, apparently on account of their predatory habits, by reason of which the edict of 1625 forbids them to ride or carry arms. The Diploma of Leopold, 1691, which confirms the religious and civil liberties of the other races of Transylvania, does not even mention the Roumanians. On the other hand, the report of Joseph to Maria Theresa, on his journey to Transylvania in 1768, refers to their "indescribable ignorance and stupidity," and to their blind obedience to their priests, and mentions the fact that not one in a thousand could either read or write his own language. The troubles of a later period are directly traceable to this servile obedience to the priests, who desired an independent ecclesiastical organisation of their own, and fomented the hatred engendered by subjection to Saxon as well as Magyar landlords. The Roumanians of Transylvania had no political rights down to 1848, in which respect they were on precisely the same footing and had the same grievance as all Magyar peasants.

St. Stephen abolished the old tribal divisions and divided the country into counties¹ in order to facilitate the collection of taxes, the establishment of a form of military organisation, and the consolidation of the royal power. At the head of each county was the Comes Castri (Főispán or Lord-Lieutenant) appointed by the King—at

Wallachian Duke Gelou in Transylvania, but there is no other record of such a person; and Hunfalvy, *o.c.* p. 92 *sqq.*, shows that the Wallachian word Kenez (Russian Kniaz, Prince or Duke) signified no more than the head of a village or district.

¹ Probably forty-five at first (Timon, *o.c.* p. 188.) The oldest reference is of the year 1150, in the *Gesta Frederici imperatoris* of Bishop Otto of Freising, who says there were seventy or more, *Enchiridion Fontium*, p. 120. See also the *Carmen miserabile Magistri Rogerii, circa 1245*, in Endlicher's *Monumenta*, p. 262, and Petri Ransani *Epitome in Chronica minora*, ed. Flórián, p. 144.

first, probably, a purely military official, governor of the fortified town and commander-in-chief of the county forces,¹ who soon developed into the responsible head of all branches of local government. With the decline of the royal authority the autonomy of the counties rapidly increased, the purely military character of their organisation disappeared, and they became political units whose will was voiced by the Congregation or general meeting of the whole body of inhabitants,² originally convened only for judicial purposes³ under the presidency of the Palatine, but as early as the middle of the thirteenth century, for the discussion and decision of all matters of local interest under the presidency of the lord-lieutenant.⁴ In his character of "Comes naturalis" of every county, the King could appoint any local landowner to the lord-lieutenancy down to 1486,⁵ when the law required the consent of the nobles to be obtained prior to the making of an appointment to that office. Though the sixteenth clause of the Golden Bull had forbidden the conferment of hereditary lord-lieutenancies, the dignity was, in fact, still hereditary at the beginning of the eighteenth century in no less than

¹ He appointed the hadnagy, or captain of the forces—the várnagy, the captain of the castle—and the centuriones, the lower officers.

² Till the introduction of the Anjou dynasty, nobles and non-nobles alike attended, but with the development of the feudal tendencies of the great nobles the peasants lost their right, though a letter of summons of the period of Louis the Great exists addressed "*omnibus nobilibus et ignobilibus nec non alterius cujuscunque status et conditionis hominibus*."—Herczegh, *o.c.* p. 373, n.

³ The Comes was the chief judicial authority of the county, but he had no authority over the nobles except in the matter of tithes and coinage (clause 5 of Golden Bull). There was also in early times a Judex Regis, at first independent, later under the control of the Comes, who, in his turn, was subject to that of the Palatine, and responsible at first to the King (sect. 14, Golden Bull), then to the Diet (1290, clause 25), for his general conduct. The "*bilochi regales*" referred to in Golden Bull, clause 5, were apparently judges sent specially for the trial of "*fures et latrones*," as assistants to the Comes.

⁴ Herczegh, *o.c.* p. 92, n., cites a document of 1254, which shows that the congregation already then dealt with all matters "*quae totam provinciam tangerent*."

⁵ Clause 60.

nineteen families, and was enjoyed *ex officio* by two archbishops and seven bishops.¹ The result was the converse of what might have been expected. The lords-lieutenant, both hereditary and nominated, being, in the majority of cases, gréat nobles who desired either a wider field for their activities or more satisfactory opportunities of spending their money than the county could afford them, developed in course of time a not unnatural tendency to absenteeism. Hence a gradual weakening of the King's hold on the organs of local government, and a corresponding accentuation of the democratic character of county organisation.

At first the Vicecomes was merely the nominee and representative of the Lord-Lieutenant;² but in 1548 the "*Universitas nobilium*,"³ or whole body of freemen, asserted their right to elect whom they pleased, and thenceforward the Deputy-Lieutenant became the chief representative of the principle of local autonomy and the practical head of both the judiciary and the executive. In the absence of his superior he presided over the *Congregatio*, took a leading part in its deliberations, summoned meetings for the election of officials, and when the representative system was finally established, was usually chosen as one of the two deputies who represented the county at the national Diet. Next to the Vicecomes the four *judices nobilium* (*szólgabírák*) were the most important officers, and with him formed the *sedria* or County Court. They also owed their position, which they held for one year,⁴ to election by the *Congregatio*; and refusal to accept office entailed the payment of a fine.

¹ Non-hereditary *Főispáns* held their appointments "*durante beneplacito Regis*," according to the usual form of patent.—Herczegh, *o.c.* p. 375, *n.*

² The text of the law of 1486, clause 60, makes it uncertain whether the King or the Lord-Lieutenant appointed the Vicecomes at that period

³ The official title, "*nos universitas Praelatorum, Magnatum, et cunctorum nobilium*."

⁴ In the seventeenth century the tenure of his office was extended to three years.

Originally they exercised exclusively judicial functions; but gradually the sphere of their activity came to include all details of administration, and they were entrusted with the duty of supervising the collection of taxes, the registration of all persons liable to military service, the maintenance of public order and of the means of communication. Their assistants, the Táblabirák, eight to twelve in number according to the size of the county,¹ were also elected officials. They received no salary, and consequently met with the reward which is not unusually meted out to those who are patriotic enough to give their services to their country for nothing. Though in later times it was the fashion in governmental Viennese circles to sneer at these Justices of the Peace, who performed their self-imposed duties neither better nor worse than their British counterparts, the office of Táblabiró was much sought after by the young and the energetic, and formed a stepping-stone to higher office and an excellent school for future legislators, in which nearly all the great politicians of the first half of the nineteenth century served their apprenticeship. At an earlier period the most desirable candidates were not always elected, as is evident from the law of 1486, which put an end to the practice of election by acclamation, conducive to the selection of unsuitable persons and to the perpetration of "levities, the result of fear, favour, and corruption," and entrusted the Lord-Lieutenant with the duty of preparing a list of candidates from among "the good, the worthy, and the well-to-do" (clause 9).

It would seem that at one period the counties showed some disinclination to put up with interference from the central government, and a disposition to claim for their local statutes a force and a validity equal to that possessed by the general laws of the realm.² However, by

¹ According to the law of Mathias Corvinus, 1486. Four according to the law of 1444.

² See Verbóczy, *Jus Tripartitum*, iii. 2. In the nineteenth century the Vienna Government objected, without effect, to the custom of some counties of

the beginning of the sixteenth century the limitations of the "*jus statuendi*" were clearly recognised, and the Congregations confined themselves to the making of rules of procedure and such by-laws of local application as did not run counter to the general statutes of the realm. In the matter of local taxation the Congregations had a free hand. From the year 1486 they were in the habit of imposing a tax to provide for the payment of the expenses of their elected representatives at the Diet, but this soon developed into a general power of taxation for all local purposes,¹ to which noble,² and peasant, and citizens of the free towns, alike contributed from 1537 to 1733, when land-owning nobles selfishly claimed the privilege of exemption on the strength of Verböczy's dictum which limited the obligations of the nobility to military service. All matters of national as well as of local interest were discussed at the general meetings, and, if necessary, the results of the deliberations of the Congregatio, its requirements, and its objections, were communicated to the King, the Executive, and the Diet. On the last-mentioned body the counties exercised a direct and, possibly, an excessive influence. It was customary for the King's letter of summons, directing the election of deputies, to set out the "propositions" or measures which the Crown intended to submit for consideration by the Diet. The Congregations debated these embryo Bills and gave binding instructions³ to their representatives how to vote on each individual matter. The mandate could be withdrawn, modified, or supplemented, at any moment, and if any matter came before the Diet as to which the deputies had received no instructions, members were bound to refer to their constituents. Under

allowing the *honoratiores*, i.e. non-noble members of the liberal professions, to take part in and vote at the Congregations.

¹ Házidó, *contributio domestica*.

² Except those personally summoned to the Diet by the King. Before 1537 only nobles paid.

³ First mentioned in 1545. Beöthy, *o.c.* p. 352.

such circumstances there was no possibility of mistaking the opinion of the country, and, in fact, as will be seen hereafter, in the early years of the nineteenth century the fate of any Bill was practically known before the meeting of the Diet. But the system had grave disadvantages : there were practically fifty-two Diets instead of one, and the initiative and discretionary powers of the deputies were reduced to a minimum. Further, it became possible for an unscrupulous Government to obtain a momentary majority by inducing a few counties by corrupt means to disfranchise themselves temporarily by withdrawing the mandate given to their representatives. As a matter of fact the counties could rarely be reproached with a want of true patriotic interest in the affairs of the nation. Their chief power resided in the fact that it was not only their privilege, but their bounden duty to defend the Constitution and to refuse to obey illegal edicts.¹ The execution of all royal rescripts and ordinances of general application rested with the county authorities, to whom they were sent for publication, and if, after due consideration, the same were found to be not in accord with law and immemorial custom, the Congregation addressed a protest to the King, the Executive, or the Diet, and if the objectionable order was not withdrawn, could "respectfully disregard it."² The only remedy of the Crown was the dispatching of a commissioner to carry out the royal instructions by force, or the summoning of recalcitrant officials *ad audiendum verbum regium*, to be cajoled or browbeaten ; but if a county chose to continue its policy of passive resistance, to be steadfast in its refusal to elect officials, collect taxes, and provide recruits until its grievances were removed, it could effectually paralyse all attempts at unconstitutional action.

The pre-Habsburg period saw the gradual develop-

¹ 1444, cl. 3.

² This originated, no doubt, from the old right of armed resistance.

ment of the essential features of constitutional government, of the idea of the personal liberty of the subject, of the responsibility of the Executive to the nation, of the representative principle, and of the equality of King and people as legislative agents ; but in the state of debility to which Hungary was reduced by internal faction and external attacks, it is doubtful whether any constitutional principles would have alone sufficed to defend the country against the persistent attempts to germanise and absorb it, of which it was the object in the ensuing period of its history. The fact that the Constitution was not cut and dried and inelastic, but that it gradually took shape and was formed by degrees, partly by crystallisation of customs, partly by legislative enactments scattered over many years, naturally gave rise to uncertainty which easily lent itself to exploitation in the interests of absolutism.¹ The Hungarian Constitution was weak, inasmuch as it provided no sufficient means of compelling a king to observe the sworn guarantees he had given, or of punishing remissness or intentional infringement. The right of armed resistance to royal illegality and the threat of excommunication—of a boycott in this world and of damnation in the next—had been proved to be inefficient safeguards of popular liberty. A Constitution which members of a national dynasty had successfully infringed had little chance of avoiding violation at the hands of kings of an alien race, whose watchwords were absolutism, Catholicism, centralisation, germanisation. The Diet's right of financial control was a powerful weapon, but, as will be seen hereafter, was, alone, an insufficient means of defence. Apart from the inherent vitality of the Magyar race, it is, before all, to the autonomous institutions of the counties, and to their power of passive resistance, that Hungary owes the maintenance of its individuality and its escape from

¹ "Der Absolutismus macht sich in den gewaltigen Lücken der Ungarischen Verfassung breit."—Tezner, *Der Ost. Kaisertitel*, etc., Vienna, 1899, p. 7.

absorption. It was the misfortune of Hungary that the later kings of the pre-Habsburg period allowed themselves to be dependent on the goodwill of the great nobles, and feared a frank alliance with the mass of the people. If the kings had boldly identified their interests with those of the lesser nobles, they would have had a strong kingdom, financially and militarily, instead of one rent by faction and class-hatred. Hungary, set in the midst of enemies, could not afford to make the mistakes which England, secure in its insular position, could commit with impunity. Internal dissension necessarily opened the door to foreign interference, and after five centuries spent in consolidating and extending itself, on constitutional development and foreign conquest, Hungary suddenly found itself face to face with the task of maintaining its existence, of escaping reduction to a mere geographical expression.

CHAPTER III

AFTER the battle of Mohács it at once became evident that ¹⁵²⁶ little serious resistance could be offered to the Turk until a new king had been elected and time had been gained for the reorganisation of the scattered forces of the country. The first idea was to elect Sigismund, King of Poland, to the vacant throne, and he, in fact, sent envoys to negotiate on his behalf; but they arrived too late to have any chance of success, more especially as Hungary was disgusted with him on account of his failure to keep his promise, made some weeks before the great disaster, to send help against the Turks. The country was divided into two parties, of which by far the larger was in favour of the election of John Zápolya, Voyvode of Transylvania, a Magyar and a man of great wealth, who had long been looked upon as a possible candidate for the throne. It was mainly with a view to the exclusion of foreign pretenders and to his succession that the resolution formulated by Verbőczy had been adopted by the Diet at Rákos in 1505. The probability of promotion in the event of a vacancy occurring, was considered by some to have been the cause of Zápolya's absence from the fatal field of Mohács, a neglect of duty which his supporters tried to explain by suggesting that he had been kept away by the intrigues of a hostile faction in order that he might have no share in the anticipated glory.¹ In any case he was popular with the majority, and those who had escaped

¹ Radó-Rothfeldt, *Die Ungarische Verfassung*, p. 26.

from the disaster at once began to gravitate towards him. For a time, at all events, there was practical unanimity in his favour. Soon, however, the opinion began to gain ground that the election of Ferdinand of Austria would result in the throwing of the might, not only of the hereditary provinces—a comparatively small matter—but of the whole of Germany into the scale against the Sultan, and special stress was laid upon this consideration by the Palatine, Stephen Báthory, and other personal enemies of Zápolya.

Ferdinand, grandson of the Emperor Maximilian and brother of Charles V., had married Anna, sister of Louis, the late King of Hungary and Bohemia, who in his turn had married Maria, Ferdinand's sister; but connexion by marriage with a former King could give no claim to an elective throne. The Archduke Ferdinand, born in Spain and living at Innsbruck, had hitherto concentrated his attention on Western-European politics and took no interest in Hungary, where he was entirely unknown. It was not he, but his sister Maria, who took the Habsburg cause in hand. A suggestion had been made that Zápolya should marry Maria, and so secure to Hungary the double advantage of a native King and of a connexion with Germany; but though the idea was favoured by the Pope Clement VII., and was well received in the country, the ex-Queen, partly out of loyalty to her brother¹ and partly, to judge from her subsequent reputation, for the reason that widowhood presented more attractions than the bonds of holy matrimony, would not hear of the scheme. A meeting of the Diet was called for November 5, and this fact and Maria's energy finally galvanised Ferdinand into life, who conceived the ingenious idea of sending Thomas Nádasdy to begin his electoral campaign by squaring the chief nobles and the influential clergy² by promises of money and by holding

¹ Michael Horváth, *Magyarország Történelme*, iii. 9.

² *Ibid.* pp. 3, 6.

out hopes of preferment to the seven vacancies which Mohács had fortunately created on the episcopal bench, and by promising observance of the rights and privileges of the people and the speedy ejection of the Turks.¹ Knowing nothing of the Hungarian Constitution, Ferdinand did not understand that election by the Diet was essential, and thought that, at the most, half a dozen or so influential electors could, as in Germany, dispose of the crown. In any case he had no idea of the necessity of calling the whole body of nobles together, and restricted his summons to selected representatives of the counties, who were to meet, not for the purpose of electing him, but for the formal recognition of his claim to the throne as brother-in-law of the late king. In the meanwhile, as he had neither men nor money with which to back his pretensions, his and Maria's chief wish was to gain time. He therefore began a correspondence with Zápolya, with a view to keeping him quiet while negotiations were begun, with the object of obtaining diplomatic backing in Western Europe on the strength of his alleged rights to the Sacred Crown and of the supposed interests of Christendom in the erection of a strong barrier against Turkish encroachment. In spite of the disturbed and desolate state of the country, a vast number of nobles attended the opening of the Diet, which took place at the traditional place of meeting, Székesfehérvár, on November 9. Though Ferdinand's envoy was present, and did all he could to obtain an adjournment of the meeting, the result was never in doubt, and John Zápolya was elected unanimously and by acclamation.² The only thing wanting to make the election and the ensuing coronation complete and legal in all respects was the fact that the Diet had not been summoned by the Palatine, but, Báthory being a personal enemy of Zápolya, by a document signed by thirty of the

¹ Michael Horváth, *Magyarország Történelme*, iii. p. 5.

² Fraknoi, *Magyar Országgyűlési Emlékek*, i. 13-30.

principal barons and nobles, and that the first vote for the new king was not cast, as it should have been, by the Palatine. Zápolya, who was not a man of war, and was not anxious to be King, appointed the famous Verbóczy to the post of Chancellor, in the hope that the ingenuity of the great legist, and the weight of his name, would obviate the necessity of a recourse to arms for the vindication of the claims of a native monarch to the throne of St. Stephen.

Ferdinand, who had recently been elected King of Bohemia, now thought it time to take a decided step, and summoned a meeting at Pressburg, to which only those on whose support he could rely were admitted. His envoy, Christopher Rauber, solemnly promised in his name that he would drive out the Turks,¹ and produced a formal letter written by Ferdinand from Vienna in which he undertook to indemnify his partisans against any loss they might suffer in consequence of their support of his pretensions, and promised that they should have the first call on all temporal and ecclesiastical offices in the event of his obtaining possession of the kingdom. In a document of the same date (Nov. 30), which is important for the reason that it refutes the claims which have been advanced on behalf of the house of Habsburg to the throne of Hungary by right of conquest, conferring a license to disregard historic rights and constitutional guarantees, Ferdinand undertook to maintain inviolate all the privileges of the people and to govern in accordance with the ancient laws of the country :—"We, Ferdinand, by the grace of God King of Bohemia, Infante of Spain, Archduke of Austria, etc. . . . promise the entire kingdom of Hungary that We will preserve and maintain the Lords Spiritual and Temporal, the nobility, the Free Towns, and all the Estates of the Realm, in the enjoyment of all liberties, laws, and decrees which they have enjoyed

¹ Beöthy, *A Magyar Államiság Fejlődése Küzdelmei*, p. 292.

from the time of former kings, even if We shall obtain the said kingdom by force of arms, in exactly the same manner as if We had been elected by unanimous vote. We will confer no bishopric, benefice, hereditament, or office on any alien, nor will We admit foreigners to the Council of the said kingdom. More especially will We observe the decree of his most exalted Majesty King Andrew, to the observance whereof the Kings of Hungary have been wont to take a solemn oath at their coronation. . . . And to the firm observance of all these presents We do hereby bind Ourselves and Our heirs.”¹ This was good enough for Ferdinand’s anti-nationalist and self-seeking partisans, but could not obviate the necessity of holding a formal meeting of the Diet, as foreign nations would recognise none but an elected King of Hungary. Therein lay the difficulty of the situation, as it was almost impossible to get together anything decently resembling a quorum. The meeting had to be postponed for the purpose of sending a whip round, and when it was ultimately held at Pressburg on December 17, the attendance was lamentably sparse, the representatives of the counties were conspicuous by their absence, and those who did attend were mostly Croats, who subsequently transferred their allegiance to Zápolya, whose election the meeting declared void for nine reasons, chief among which was the fact that the Diet of Székesfehérvár had not been convened by the Palatine.² In this respect Ferdinand had the advantage of strict legality on his side, while, on the other hand,

¹ A similar promise was made to the meeting on Ferdinand’s behalf five days later by Bishop Rauber. It is stronger in some respects. “Promittens quoque eisdem Statibus et Ordinibus quod omnia et singula regni hujus privilegia libertates, decreta, et consuetudines hactenus observatas de cetero non tantum conservare firmiterque tenere et adimplere, sed etiam illa eis majora amplioraque efficere velimus et intendamus. Nec eos vereri debere quod externos suis adhibere consiliis aut alienis a natione Hungarica beneficia dignitatesque ecclesiasticas conferre velimus.”—*Enchiridion Fontium*, p. 392. Michael Horváth, *o.c.* iii. 18.

² Szalay, *Magyarország Története*, iv. 31

Zápolya had been crowned with the Sacred Crown, the imposition of which was essential in the eyes of the majority to the validity of the coronation ceremonial. It was evident that arms alone could decide the questions at issue.

1527. On March 17 a meeting of the Diet was convened at Buda, as a counterblast to that held at Pressburg, and in order to show which of the rival claimants had the sympathy and the support of the nation at large. The meeting, which was attended by the representatives of fifty-three counties, and of Slavonia and Croatia, showed no hesitation in declaring for Zápolya, voted him one-tenth of all personal property, renewed its adherence to the principle enunciated by the resolution of Rákos, and declared those who should have any dealings with Ferdinand traitors to their country. To Ferdinand, who sent a protest asserting that he, not Zápolya, was the true King of Hungary, a reply was sent pointing out the fact that Hungary was not the fief, nor was its crown in the gift, of any man; that the monarchy was an elective one, and that the best thing Ferdinand could do was to cease calling himself King and interfering in the affairs of the country, and to do his utmost, as a Christian, to help the cause of Christendom against the Turks.¹ Ferdinand thereupon concluded that he would have to fight, or, rather, to get some one to fight for him. As a preliminary, he tried to win over Zápolya's supporters by promises of money or promotion, more especially in Transylvania, the stronghold of the national party, in which he could rely on the support of the Saxons, naturally in favour of a German king, and of the Jewish and German population of the towns, whose pocket interests led them to wish for the Austrian connection. Ferdinand, in pursuance of his policy of promising rather than fighting, sent seventy-nine letters to Maria, with instructions to date them from

¹ Michael Horváth, *o.c.* iii. 29.

Hungary, and distribute them to bishops, or would-be bishops, and to influential barons. The result of the manœuvre is unknown, but one thing is certain, namely, that the Hungarians began to show signs that they were tired of Zápolya's inactivity, and to waver in their allegiance to him.¹ Nearly a year had passed since Mohács, and nothing had been done either against the Turks or against the Austrian pretender, and many Protestants inclined towards Ferdinand in the mistaken belief that, as a German, he would favour the German reformed faith, which had already made considerable way in Hungary.

Without any expectation of success, and chiefly with a view to gaining time for the collection of men and money, Ferdinand offered Zápolya 300,000 florins for the crown of Hungary, and when the offer was indignantly refused, with the remark that no Habsburg "had any more right to the throne than a Babylonian or a negro," gave the order to his army to advance into Hungary. On September 26, Count Salm defeated Zápolya's forces, and captured all his artillery. The victory was welcome, as it enabled Ferdinand to convene something resembling a proper Diet, which hitherto he had been unable to do for the reason that, until it was clear which way the cat was likely to jump, comparatively few nobles were inclined to take any step which might jeopardise their necks. The coronation, which was carried out at the beginning of November with proper pomp and circumstance, gave Ferdinand a legal status, but no more solid gain, as more than half the country still refused to recognise the validity of his election. It is noticeable that the oath taken by Ferdinand before coronation differs in an important detail from the terms of the document of November 30, to which reference has been made, for he takes the oath for himself only, not for himself and his

¹ Some of those who had two sons sent one to Ferdinand and one to Zápolya.—Michael Horváth, *o.c.* iii. 41.

heirs, thus indicating the fact that his right to the throne was based solely on election, and that his successors would have no other claim than that which the people itself might give them. The oath is incorporated with the heading, "Ferdinandus in Regem Hungariae rite eligitur" in the *Corpus juris Hungarici*, and as the Corpus was published in 1822 with the special permission of Francis I., who was most jealous of his rights and prerogatives, and at a time when the censorship was exceptionally rigorous, mention of the fact of election would not have been allowed if there had been any basis for the Austrian contention that Ferdinand owed his crown not to election but to conquest, or to the compact made between his grandfather and Vladislav. By the oath, which may be regarded as embodying the terms of the contract between Ferdinand and Hungary, the new King binds himself "to maintain God's Church, the high ecclesiastics, the barons, the nobles, the free towns, and all the inhabitants of the kingdom, in the enjoyment of their exemptions, freedom, possessions, privileges, and ancient and approved customs ; to do justice to all and every one of them ; to observe the terms of the decree of his former Majesty, Andrew II. (the Golden Bull) ; not to alienate or diminish the territories of Hungary, or of any countries pertaining thereto by any title whatsoever, but to the best of his ability to increase and extend the same, and to do all that is legally possible for the common weal and for the honour and increase of the realm." To what extent the compact was observed will appear hereafter.

Neither Salm's victory nor Ferdinand's election did anything to quiet matters down. On the contrary, civil war was now in full swing, though there was no concerted plan on either side, and skirmishes between the two factions were of daily occurrence. It soon became evident that neither party was strong enough to demolish the other, and that the perpetuation of disorder and a permanent

division of the country must be the result. Under the circumstances, Ferdinand broke with the traditions of his house and of Christendom, which forbade all dealings with the Turk, and influenced only by personal considerations and the fear that Zápolya might anticipate him, began bidding for the Sultan's support. Martinuzzi, or Friar George as he was generally known, Zápolya's chief supporter and adviser, began an agitation in Poland, resulting in the collection of a considerable armed force, which, however, was unable to stand against Ferdinand's^{1528.} superior numbers. Till now Zápolya had refused to listen to the suggestion that he should negotiate with the Sultan, believing that the Christian principles of Europe would back him in a new crusade; but his defeats, and the failure of his hopes of foreign help, at last made him consent to approach Constantinople. The way had been already prepared, without his knowledge, by Venice, the most resolute enemy of the Habsburgs, which, fearing that the rival kings might come to terms, pointed out to the Sultan the fatal consequences which might result to Turkey if Hungary became a German dependence, and urged him to come to the assistance of Zápolya.¹ Negotiations with the Porte were begun on the basis of the recognition by the Sultan of Zápolya as an equal or allied monarch who, in return for assistance in the task of obtaining undisputed possession of the throne of Hungary, would make an annual present, a euphemism for tribute, to his ally. The proposal was accepted by the Sultan with a view to utilising Zápolya's claims as an excuse for the conquest of Hungary for his own benefit, and Austria's prospects looked blacker than at any previous period.

Ferdinand was not in Hungary to look after his own interests. Disgust was everywhere expressed at the brutality and misconduct of his German mercenaries;² his warmest partisans began to waver when the news of

¹ *A Mag. Nem. Tört.* v. 62.

² Michael Horváth, *o.c.* iii. 47.

Zápolya's agreement with the Turks became public property, and Maria sent urgent messages entreating him to take the conduct of affairs into his own hands, and insisting that a prolonged absence from Hungary meant
1529. ruin to his prospects. By the beginning of January not a town in the south remained to Ferdinand, and on May 2, Zápolya issued a proclamation announcing his alliance with Suleiman and calling on all Hungarians to rally round him. With few men and no money Ferdinand could do nothing, even if he wished to do anything, for the defence of Buda, which the Turks, followed by Zápolya, entered early in September. Thence the Sultan advanced in person to Vienna and began the siege, but soon after abandoned it, though the defence could not have held out more than a few days longer, as soon as he heard that Ferdinand, whose capture was the main object of the expedition, was not in the town. In any case the result of the campaign was that not a vestige of authority was left to Ferdinand in Hungary; for the army which he had collected in the hereditary provinces refused to advance as soon as it heard that Vienna was no longer in danger. Still, as Ferdinand had not been captured, or forced to admit defeat and withdraw his claims to the Sacred Crown, the Sultan's object had not been attained. The opinion now became general in Hungary that neither claimant would be able definitely to oust the other, and the desire for the end of a destructive, and apparently useless, civil war became more and more acute. Zápolya, established in Buda, was nearly at the end of his tether, for though the Diet voted subsidies he could not collect them, and so was almost penniless. Both rivals were ready and anxious for peace, but while Ferdinand was quite prepared to buy terms from the Sultan, Zápolya would not listen to the suggestion of a compromise with the Turks involving a surrender of part of Hungary to the Porte and the definite acceptance of

Suleiman's suzerainty. Ferdinand was too fully occupied in Germany with the task of procuring his election to the imperial throne, in which he succeeded early in 1531, to be able to show any activity elsewhere. He therefore confined himself to carrying on simultaneous negotiations with Zápolya and with the Porte, which had announced its intention of making a fresh attack on the Austrian provinces. With the former he arranged a truce for three months on the basis of each party keeping what it had got (a more accurate definition of spheres of influence being an absolute impossibility at the moment), and thus a provisional division of the kingdom resulted which prepared the way for final dismemberment.

In the spring of the following year Ferdinand sent ^{1532.} envoys to Constantinople to offer an annual tribute of 100,000 florins in gold if he were given the opportunity of obtaining the whole of Hungary, or of 50,000 if he were allowed to remain in undisturbed occupation of the fraction then actually in his possession. He was even prepared to relinquish all claim to Hungary, with the exception of certain frontier districts the control of which he considered essential to the safety of the hereditary provinces of Austria. Finally, he expressed his readiness to abandon even this modest claim if Zápolya would undertake the constitutional impossibility of nominating him as his heir to the throne. At first the Sultan's plenipotentiary would listen to none of the suggestions of Ferdinand's envoy, saying that there was room for only one person at a time on the throne of Buda, and adding that it was impossible to deal with a man who never kept his word, whose ambassadors alternately threatened and begged for peace.¹ Eventually, however, he submitted the last of the above-mentioned offers to Suleiman, whose reply took the form of a promise to visit Ferdinand in his own country, and to talk the matter over in Vienna. The Sultan

¹ *A Mag. Nem. Tört.* v. 90.

did, in fact, penetrate into Austria and ravage Styria, but his visit had no great results, though Ferdinand, whose money difficulties were so well known that his Italian mercenaries refused to budge without money down, could oppose no effective resistance. In Hungary all political life was suspended ; whole districts were ravaged by Turk and Austrian alike, and rendered uninhabitable. The whole country was pining for peace and for the re-establishment of national unity. The nobles bitterly regretted the fact that two rival kings had been elected, and did not much care which of the two succeeded in making his claim effective provided the result was the withdrawal of the Turks on the one side, and of the far more hated German mercenaries on the other. The Diet, summoned at Buda by Stephen Báthory, Ferdinand's chief supporter, passed a resolution in this sense, and wrote saying, "If your Majesty cannot defend the kingdom, be kind enough to say so openly, and we will then discover some means of helping ourselves and of warding off the peril which threatens us."¹ But

1532. Ferdinand, then at Augsburg, replied only with smooth words, and the Diet, at its next meeting, expressed its willingness to acknowledge whichever claimant first proved his ability to maintain the territorial integrity of the kingdom.

The poor result of his last expedition convinced Suleiman of his inability to evict the Austrians, completely and for ever, from Hungary. He therefore received, with a greater degree of politeness than he usually showed, a fresh embassy sent by Ferdinand to express his willingness to renounce all claim to the bird in the bush, provided he were allowed to retain what was actually in the hand. The Sultan agreed to the proposal on condition that the keys of Esztergom should be sent him as a sign of recognition of his

¹ *A Mag. Nem. Tört.* v. 97.

suzerainty, and Ferdinand submitted to the unprecedented humiliation. Both parties in Hungary were furious when it became known that a king, who had been elected solely with a view to the ejection of the Turks, and had solemnly sworn to maintain the integrity of the country, had recognised the overlordship of the infidel. They were still more enraged at the partition of the kingdom, and at the prospective loss of individuality as a nation and of the very name of Hungary.¹ Ferdinand did not care. He wanted leisure to turn his attention, as a good Catholic, to the extermination of the Protestants, and, for the moment at all events, was ready to abandon his hopes of obtaining an undivided throne. But his women would not agree to his sharing a crown, and spoiled the negotiations which otherwise would probably have ended in the abandonment of Hungary to Zápolya, and in the nomination of Ferdinand as his successor. Ferdinand, therefore, again collected an army, the biggest ¹⁵³⁷ he had ever got together for use in Hungary, but only to incur a disastrous defeat at Gorján—after Mohács, perhaps the greatest blow Christendom ever suffered at the hands of the unbeliever. He began to realise the obvious fact that of himself he could do nothing, and that Martinuzzi was the only man capable of effecting any lasting results. Brother George, the tortuousness of whose ways earned him an unenviable reputation in certain quarters, was a statesman and a diplomatist who realised the fact that peace was his country's essential necessity, and desired above all the maintenance of Hungarian independence. He was quite ready to come to terms, but the archbishop, Ferdinand's emissary, acting on instructions, so haggled over details, that Zápolya's representatives

¹ Maria warned him against neglect of Hungarian interests, and told him Hungary might be easier to win than to keep. He replied that as soon as he had troops enough he would know how to deal with the Magyars. (Fessler, *Geschichte der Ungarn*, iii. 417.) His idea was to occupy the fortified places with hired troops to assure the subjection of the country to Austria.

dropped the discussion in disgust, and the matters in dispute were adjourned to a meeting to be held the following year at Várad, where peace was signed on the 1538. following terms:—maintenance of the *status quo*; Ferdinand to succeed to an undivided throne on the death of Zápolya, even if the latter should have a legitimate heir; if Ferdinand and Charles V. predeceased Zápolya, the crown to go to Zápolya and his heirs; if he left no heir, Hungary's right of unrestricted election to revive. It was further agreed that should Zápolya have a son he should be confirmed in the possession of the family estates, and should receive a separate principality and a daughter of Ferdinand in marriage. In the meanwhile, Ferdinand gave up all claim to Transylvania, and Zápolya to Croatia and Slavonia. Result—a temporary peace and a worthless defensive alliance against the Sultan. Brother George induced Zápolya to consent to this sacrifice of the constitutional rights of Hungary and of his own claims, in the belief that the true interests of the country demanded it; that if it had rest and time to recuperate it might be able to maintain its individual existence and eventually to eject the Turks. True, he admitted the claims of the House of Habsburg, but on conditions, and by the eighteenth clause of the compact Ferdinand undertook that "should the succession fall to Us, neither We ourselves nor Our son or heir shall take possession of the said kingdom, or of the provinces and parts subject thereto, before taking a solemn oath as King, in accordance with the custom of former kings of Hungary, to maintain and observe the liberties, decrees, laws, and customs thereof."

The sworn brotherhood did not last long. The country had imagined that Charles V. would now do his utmost to defend the family inheritance against the Turks, but the death of his wife, and anti-Catholic disturbances in Germany and the Netherlands, put all plans for the liberation of Hungary out of his head. It was necessary, therefore,

to attempt to keep the Sultan in the dark as to the terms of the peace of Várad, for fear he should reply by invading the country, which, indeed, was incapable of effective resistance. Moreover, Zápolya had another reason for wishing to keep Suleiman in good humour, which had not been without influence on him at the time when preliminaries to peace with Ferdinand were under discussion. He had, in fact, matrimonial designs on Isabella, daughter of the King of Poland, who had no inclination to allow her to marry while matters in Hungary wore such a threatening aspect. The signing of the convention of Várad, and the apparent acquiescence of the Sultan, satisfied all parental scruples, and Isabella was married and crowned at Székesfehérvár early in the following year. Ferdinand must have been anxious about the possibility of the birth of an heir to Zápolya, and to this circumstance may probably be ascribed the fact that he insisted on the publication of the terms of the peace of Várad, knowing that it would bring the Sultan on to his ally's back; and in fact the Turks promptly carried 10,000 Magyars into slavery at Constantinople. This necessitated further intrigues in order to checkmate Zápolya, whom Ferdinand believed to be now ready to recognise, definitely and unconditionally, the suzerainty of the Porte; but Zápolya's days were numbered, and he died on July 11, 1540, only eleven days after the birth of his son, commending his country, his wife, and his child to the care of Brother George. In better times he would probably have made a respectable king, but he was not strong enough to stand up against Turk and Austrian at the same time, and to reorganise the country after the disaster of Mohács. He saw, or rather Brother George made him see, that the only hope for Hungary was to improve the position of the peasants, reduced to the level of brute beasts by the law of 1514;¹

¹ At his instigation the Diet of 1531 passed a law re-establishing the

and the last native king of Hungary was the first to devote attention to the maintenance of the Hungarian language,¹ seeing therein the best bond of national union, and anticipating thereby the efforts of the patriots of the early part of the nineteenth century. Though by the peace of Várad the country was nominally divided into two more or less equal parts, Zápolya's influence was out of all proportion greater than that of Ferdinand, who, as a Hispano-German, with no knowledge of Magyar customs or laws, was always treading on the national toes, and put no faith in his Hungarian followers. They in their turn had no confidence in him, hated his German advisers and sycophants, and looked with something like contempt on a king who was useless in war and financially feeble. Even the German population of the towns soon lost their illusions. His mercenaries, instead of defending them against the Turk, were no better than undisciplined looters.² With the Church he was equally unpopular, for the reason that he appointed foreigners to the most coveted ecclesiastical offices in contravention of the law. His idea was to govern Hungary from Vienna, and to visit it as rarely as possible; but in one matter, at all events, the Diet had the whip-hand of him. It did not fail to remind him that he was the elected king of a constitutional country bound by law and his oath, and emphasised the reminder by a refusal to abandon one particle of its control in the matter of taxation. Hitherto the importation of the Habsburgs had proved a disastrous failure. Whole districts had been ravaged and depopulated by German mercenaries, by the janissaries, and by the plague—also a Turkish export. In one year 100,000 men, women, and

peasant's right of migration, but circumstances prevented it from becoming effective. See Acsády, *A Magyar Jobbdgyisdg Története*, 201 sq.

¹ Tinodi, whose poems passed from mouth to mouth, did much to keep the Magyar spirit alive.

² "Who live on the tears (lacrimis vivunt) of the poor people," Law xvi. of 1536.

children were carried captive into Turkey. Only in one respect were the rival kings agreed, namely, as to the necessity of keeping the country pure from the pernicious doctrines of Protestantism, and of extirpating a heresy which possessed the fatal attraction that it permitted matrimony to a clergy which had always been inclined to regard the vow of chastity as an unnecessary institution.

For a time it looked as if Ferdinand would now hold undisputed sway, but Isabella, Brother George, and Verbóczy had no intention of sacrificing Zápolya's son, John Sigismund, or what they considered to be the interests of the country. Two courses were open to them : either to secure the family estates and a suitable position for the boy at the price of recognising Ferdinand's claim to an undivided throne, or to throw the interests of Christendom overboard, make friends with the Turks, and, with their aid, secure the independence of as large a slice of Hungary as possible. Ferdinand had only himself to blame for the existing state of affairs. Elected for the purpose of expelling the Turks, he had proved himself unwilling or unable to satisfy even the most modest expectations of his supporters. Any hesitation which Brother George may have entertained as to which of the alternative courses he should follow were promptly dispelled by Ferdinand's attempt to make himself master of Buda by a trick. The Sultan was quite ready to accept the office of patron and protector of Zápolya's son. In the summer of 1541 he advanced with a large army and utterly defeated the Austrians who, under Roggendorf, were besieging Buda. The terror of Ferdinand and other princes lest the Turks should continue their victorious advance through Austria into Germany may be imagined ; but for the moment the Sultan had plenty to do in Hungary, which he knew the Austrians to be totally incapable of defending. Naturally, he took good care to reward himself properly for his efforts on behalf of Zápolya's son : in fact, there had never

been any altruistic motive for his actions. He decided that Buda was no fit habitation for John Sigismund ; assigned him Transylvania as his place of residence, and entrusted him to the guardianship of Isabella and Brother George. Thus was the tripartite division of Hungary brought about. Practically the whole of Hungary proper was in the hands of the Sultan ; Transylvania became a separate principality under Turkish suzerainty ; and Ferdinand, with the title of King and no certainty as to the fixity of his tenure, occupied the western districts. The irony of fate willed it that Verbóczy, incarnation of legal wisdom, author of the book which the Magyar nobles looked upon as their Bible, should receive from the Sultan the appointment of Chief Justice of the Christian subjects of the Porte.

1541. Brother George was now inclined to regret what he had done, and began to renew negotiations with Ferdinand at the request of the chief nobles, who entreated him to save the country from definitive dismemberment. But he could not make up his mind to be off with the Turks before he was on with Ferdinand. Probably he hoped that if he played one off against the other Hungary might eventually come by her own ; or that both Turkey and Austria might come to see the advantage of having an independent buffer-state between them. The result of the negotiations was the treaty of Gyálu, confirming and continuing that of Várad, with the addition of a clause, of the uselessness of which Ferdinand's previous record gave convincing proof, to the effect that the Austrians undertook to expel the Moslems. It was resolved that there should be a *levée en masse* of the Hungarians in the event of Ferdinand taking the field in person ; and an army of 60,000 men was collected, which, though Ferdinand had the good sense not to command it himself, met with complete failure in its attempt to recover Buda. General recrimination resulted ; Ferdinand, like other weak rulers

and people before and since, consoled himself with the German equivalent of the classic phrase "*nous sommes trahis*," and threw the most influential of the Magyars into prison to encourage the rest. The result was the inception of a new period of distrust and hatred fatal to any possibility of effective action. The Magyars were utterly disgusted with the Austrians, whose predatory mercenaries gave the country no rest and proved quite incapable of ejecting the Turks.¹ The inclination to settle down quietly under the heathen yoke, which allowed, at all events, more religious liberty than Ferdinand's fanaticism could tolerate, became more and more pronounced. The Diet was lavish in the matter of subventions,² and Ferdinand in the making of promises. This, however, did not make him ashamed to buy peace from the Sultan for a year and a half at the price of 50,000 gold pieces, thereby still further estranging the Magyars,³ who continued, in places, an unequal struggle on their own account, while Ferdinand devoted his energies to an unsuccessful attempt to extirpate Protestantism in Styria and the Tyrol. In the meanwhile Brother George continued his policy of keeping the Turks quiet while doing all in his power to help Ferdinand to extend his influence. "Until," wrote Brother George, "your Majesty's affairs take a turn for the better, I will keep the enemy out of the country by means of the artifices which I have hitherto employed," and there is no reason to doubt his sincerity, though it is clear that he was unwilling that Isabella should hand over Transylvania until he was satisfied that Ferdinand was both able and

¹ The law of 1546, §, recognises the necessity of employing foreign help against the Turks, and authorises Ferdinand to maintain a permanent force of Hungarians and foreigners to be paid out of the proceeds of the military tax, the profits on coinage, and the customs duties. The nobles and clergy to maintain a certain number of soldiers proportionate to the size of their landed property. "*Equites vel milites continui*."—Timon, *o.c.* p. 761.

² Michael Horváth, *o.c.* iii. 165, 168; Szalay, *Mag. Tört.* iv. 240, 298.

³ Michael Horváth, *o.c.* iii. 164.

willing to carry out the obligations imposed on him by the conventions of Várad and Gyalu.

1547. The Porte, now fully occupied with affairs in Persia, consented to a peace for five years on terms which constituted a fresh and complete humiliation for Ferdinand, nominal King of Hungary. The Sultan, described in the document in which the terms of peace were embodied as Padishah of Buda, Transylvania, and the parts pertaining thereto, in consideration of the payment of a yearly tribute, consented to allow the King to remain in undisturbed possession of the parts then actually in his occupation, provided he undertook to abstain from interference elsewhere. Transylvania, and the district lying east of the Tisza, were left to John Sigismund, who, like Ferdinand, was to pay annual tribute in recognition of the suzerainty of the Sultan. The Magyar nobles, who had been kept in the dark as to the progress of the negotiations,¹ were greatly disgusted when the result became known; but the country was utterly worn out by the events of the last twenty years, and had no alternative but to acquiesce in the disgraceful bargain, the effect of which was that Ferdinand was left in possession of thirty-five counties of upper Hungary, the Slavonian districts lying between the Száva and the Dráva, and the parts of Croatia adjacent to the sea.² Government was organised on a purely military basis, and a chain of fortified towns was established along the frontier as a defence against the Turks and as a haven of refuge for the country population when harried by irresponsible raiders. The rest of Hungary became an Ottoman pashalik in which no vestige of the old political life remained. Buda became a Turkish city, the cathedral was converted into a mosque, and the whole

¹ "Ea quae sunt in articulis praesentibus inclusis secretiora et quae non sunt necessaria ad publicandum teneatis apud vos secreta."—Ferdinand's instructions. The price of peace, 30,000 florins, was concealed from the Diet. —Michael Horváth, *o.c.* iii. 170.

² Law xix. 1548.

country was treated in precisely the same way as any Mussulman province.

In religious matters the new masters of the country interfered little, if at all, and looked on with an amused smile when Catholics and Protestants fought, and the latter reviled and destroyed the images which they had recently adored. Preferring convenience to dogma, some Magyars took refuge in Allah, and risked their souls for the sake of material advantages ; but the fact that few, if any, became definitely denationalised, while many Slavs were permanently absorbed in Islam, gave fresh proof of the vitality of the Magyar nation. The rich nobles who had lands outside the limits of the Turkish pashalik retired thither ; the poor ones were reduced to beggary. The peasants perforce remained where they were, and found their dues and their forced labour neither more nor less distasteful when exacted by alien masters than they had been when Hungary was under purely Christian government. In any case they were better off than the peasants of the outlying districts of Ferdinand's dominions, which enterprising Turkish raiders harried and laid waste at their pleasure. Their German King could not protect them, and at least a third of the district nominally under Habsburg sway was in reality subject to the Sultan. Transylvania was in a more enviable position, thanks to Brother George, who kept the Turks at arm's length, not by organised defence, but by ingenious diplomacy. Combining in one person the functions of Prime Minister and all other Ministers, he saved the country from the financial straits from which Ferdinand's dominions suffered, kept the nobles in order, bettered the position of the peasants, and at the same time met with little opposition, except from a section of the Saxons who had prejudices in favour of a German ruler.

Now that peace was temporarily secured, Ferdinand set about the task of establishing his rule in his fragmentary

Hungarian dominions on a firmer basis. He had every opportunity to do so, as the population was ready and crying for a ruler who would introduce order and give them rest. The nobles were becoming reconciled to the idea of Habsburg rule, but at the same time had no idea of abandoning their right to be governed in accordance with their ancient Constitution. Ferdinand had learned his lesson and now showed himself in another light. Personally he seemed to be friendly, and ready and anxious to listen to proposals ; but German Court officials, with no sympathy for Hungary and no comprehension or experience of constitutional government, formed an insuperable obstacle to the realisation of Magyar aspirations.¹ Order was gradually restored, and powerful nobles who had taken advantage of the recent troublous times to make themselves uncontrolled tyrants of the lower classes, and considered license the first condition of liberty, were brought to book and made to disgorge their ill-gotten gains. Consequently, the lesser nobles, who, at the beginning of the reign, had been the most uncompromising opponents of the foreign king, began to look upon him with a more tolerant eye,² readily voted the necessary taxes, and gave voluntary subsidies in addition. At the same time they took care to stipulate that such action on their part should not be looked upon as a precedent for treating their legal immunity from taxation as lapsed.

The King, prompted by Brother George, recognised the necessity of doing something, if only out of a spirit of competition with the Turk, to lighten the lot of the peasants, and

¹ Maurice, Duke of Saxony, warned Ferdinand that he could never govern Hungary with foreigners, and advised him to hand it over to one of his sons, as Hungarians would obey none but a king who lived among them.—Horváth (Janos), *A Kézös Ügyek Előzményei és Fejlődése*.

² Ferdinand said, "I am obliged to favour them, for if I didn't every man would become a Turk." The Magyars are said to have threatened to return to Asia *en masse* if their grievances were not remedied.—Istvánffy, *Historia regni Hungariae*, quoted by Beöthy, *A Magyar Államiság Fejlődése Kézdelmei*, i. 348.

to establish his popularity on a broader basis. After much ^{1548.} difficulty and delay, he induced the Diet to agree in principle to the abolition of the enactment forbidding the migration of the peasants ; but the nobles evaded the law in every possible way, and after ten years of legislation on the subject, it was still to all practical purposes a dead letter,¹ as in fact were the majority of the seventy-one laws passed in the session of 1548, which was chiefly remarkable for the fact that it was the first in which any attention was paid to the question of popular education. Now that Charles V. had been completely successful in his anti-Protestant campaign in Austria, Ferdinand thought the time had come to imitate him in Hungary, and urged the Diet to take steps for the extirpation of heresy.² That body, however, had the good sense to object to a régime of fire and sword, called upon the clergy to restore the Church to its former position by good example and by the inculcation of wholesome principles, and recommended that only "men of approved life" should be admitted to orders—showing thereby that, though the majority in the Diet was Catholic, it was fully alive to the fact that the spread of Protestantism was, in a large measure, due to the notoriously disreputable character of the parish priests.³ From the point of view of Hungary's historic rights, the importation of the House of Habsburg was disastrous. True, the old court offices remained, but no Palatine, the proper intermediary between the King and the people, and the sworn defender of the country's rights, was appointed. True, the management of the national finances was nominally left in the hands of the Hungarian Treasury, and a separate Hungarian Chancery was established for the management of Hungarian affairs, but Treasury and

¹ Though the Diet had unanimously declared that "nothing had done greater injury to Hungary, formerly in a flourishing condition, than the oppression of the serfs, whose cry of suffering rose up to Heaven."—*Corpus Juris Hung.* i. 408, quoted by Szalay, *Mag. Tört.* iv. 253.

² Michael Hovráth, *o.c.* iii. 173.

³ 1548, cl. 6.

Chancery were mere empty names, and their every act was dictated by Vienna. The opinion of the Hungarian Treasury was rarely asked, and if asked was neglected by the Viennese Ministry of Finance, in which all financial control was vested. Though the Hungarians had paid in blood for the inability of Ferdinand to defend his kingdom against the incursions of the Turks, they had no share in the management of military affairs, and none but Germans found places in the new War Council, the sphere of action of which included Hungary. A Privy Council was established in Vienna for the control of all important home affairs, and for the decision of all questions of foreign policy. Thus the Magyars were deprived of all voice in the three great departments of State—Finance,¹ Foreign Affairs, and Army—and the first definite step was taken in the direction of stripping Hungary of the most important elements of constitutional life. It is a question whether this high-handed action constituted a deliberate attempt to absorb Hungary in Austria; but in any case it had the result of reducing the former country to a subordinate position from which it failed to emerge till three hundred years of ceaseless struggle had elapsed. The Magyars seem to have been unconscious, for a time, of the fact that they were letting their birthright slip from their fingers. Thirty years of internal discord and foreign oppression had so worn and wearied them that they had begun to forget the traditions of free Hungary. So soon, however, as they regained their strength they began the fight for the recovery of the ground that had been temporarily lost.

Naturally the Turks were not satisfied with the state of affairs in Transylvania, which they looked upon as temporary and as requiring modification in their interests so soon as a convenient opportunity should present itself. Ferdinand was equally discontented, and equally de-

¹ See Acsády, *Magyarország Pénzügyei I Ferdinand Uralkodása alatt*, Budapest, 1888, 35 sqq.

terminated to alter what he regarded as an impossible position. It was Martinuzzi's business, now that a larger policy of national unity and independence was an impossibility, to hold the balance between the two rival parties. In 1549 he was ready strictly to carry out the terms of the compacts of Várad and Gyalu, so far as it was possible to do so in view of Ferdinand's inability to secure John Sigismund in the possession of his family estates. It was, therefore, agreed that the latter was to receive the title of Prince of Oppeln and Ratibor in Silesia, that Isabella should be given 100,000 florins, and that Ferdinand's rule should be acknowledged in Transylvania. As soon as Suleiman heard of the arrangement he gave instructions for the decapitation of Martinuzzi, but as usual Brother George succeeded in finding a satisfactory explanation, and in allaying the Sultan's suspicions of Ferdinand's intentions. The latter now made a serious attempt to put his new rights in force. His first step was to collect a large force of mercenaries, consisting of half the unattached blackguards of Europe, whom he placed under the command of Castaldo, an Italian, and of the appropriately-named Teufel. Between this particular devil and the deep sea of Islamism the Hungarians began to doubt whether the balance of discomfort was to be found on the side of the Turkish disease or of the Austrian remedy. Brother George, at last at the end of his tether, admitted to Isabella that he was no longer able to preserve her and her son from the tender mercies of both Sultan 1551. and Ferdinand, and induced her to abandon Transylvania to the latter, and to retire with her son into private life. Martinuzzi's task was now ended. He wrote to Ferdinand explaining the motives which had influenced his tortuous policy in the past, claiming credit for having restored Transylvania to the Sacred Crown, and asking to be relieved from the burden of office.¹ To this request

¹ See the facsimile letter in *A Mag. Nem. Tört.* v. 306.

Ferdinand refused his assent, as he could not spare sufficient troops to secure his position in Transylvania, and so could not dispense with the services of a past master in the art of deceiving the Turk. But Brother George's release was not long delayed, as Ferdinand, having conceived suspicions of the friar's single-mindedness, in order to avoid further complications, took the simple course of having him assassinated. He made no concealment of his complicity in the murder,¹ and openly declared that matters in general showed a decided improvement after the removal of the turbulent priest. But his boast was hardly justified by the facts, as the next ten years of more or less intermittent war with the Turks were more disastrous to Hungary than any preceding campaign. The terms of peace which, in 1562, brought an inglorious episode to a disgraceful end, left Transylvania still outside the pale of the Habsburg dominions, and provided for the payment to the Sultan of an annual tribute disguised under the name of a Christmas present.

Brother George was undoubtedly the greatest statesman and diplomatist Hungary had yet produced. It was not his fault that Ferdinand was negligent of the country's interests and incapable of defending them. He had to utilise the weapons with which nature had endowed him, and to call him deceitful and dishonest is but to compliment him, for the deceptions which he employed were never directed to selfish ends, and the arts of insincerity produced results which straightforward virtue could never have attained. For thirty years he played Suleiman against Ferdinand—a shifty Habsburg against an overbearing Turk—with the result that Transylvania retained a measure of independence, kept alive the Magyar spirit,

¹ Michael Horváth, *o.c.* iii. 201 *sqq.* Pope Julius III. held an inquiry into the circumstances of the assassination, and at the Emperor's urgent request acquitted Ferdinand of complicity, but this had no effect on public opinion.—Istvánffy, xvii. 310. Castaldo and his fellow-assassins, who, so far from denying the murder, claimed credit for it, were also acquitted.—*Ibid.* 314.

and handed on the torch of Hungarian tradition which otherwise would infallibly have been extinguished. It is eternally to Transylvania's credit that while the rest of Europe was bathed in blood by the quarrels of fanatics over questions of dogma, religious equality was proclaimed¹⁵⁵⁷ in that country. This, and the fact that in spite of the Habsburgs some vestiges at least of constitutional government remained in Hungary throughout the following period, during which absolutism was supreme on the Continent, was in a large measure due to the courage and ingenuity of Brother George.

On the death of Charles V., Ferdinand was elected to¹⁵⁵⁸ the imperial throne, and, consequently, paid less attention than ever to Hungarian affairs. His activity was confined to an attempt to deprive the country of its last means of defence against autocracy—of the right to fix the amount, and arrange for the collection, of taxes.¹ But here he had to contend against the passive resistance of the counties, now, as in the future, the one reliable bulwark of constitutional liberty. The Diet pointed out that the attempt to impose taxes without its consent was an unconstitutional act, and though Ferdinand argued that the welfare of the country, by which he meant that of the Austrian provinces, was of greater importance than constitutional forms, the Golden Bull, and other antiquated guarantees, which were all very well in their day but were out of place in an up-to-date monarchy, the resistance of the nobles was completely successful. In the matter of the maintenance of the elective character of the monarchy the results were not so satisfactory. Ferdinand felt that¹⁵⁶¹ he was getting old, and, desirous of seeing the succession of his eldest son Maximilian assured, requested the nobles to crown him in his father's lifetime. The nobles replied

¹ Ferdinand wished the taxation to be fixed for a period of six years. Naturally the Diet objected, as it knew that it was only the necessity of obtaining votes for money and men that made Ferdinand convene it.—Szalay, *Mag. Tört.* iv. 318; Fraknói, *Magyar Országgyűlési Emlékek*, iv.

that election was a condition precedent to coronation, and some expressed the wish to elect the younger son, Ferdinand,¹ in the belief that he possessed greater military ability than his brother. The King was furious, and requested the Magyar to cease talking about the "superfluous and offensive" formality of election, and to crown Maximilian without more ado.² Temporarily, however, the nobles stood their ground, and it was not till two years later that, Ferdinand being seriously ill, Maximilian was crowned: the Diet contenting itself with a protest against the absence from the Letter of Summons of all reference to the necessity of election—a formality, perhaps, but at the same time an essential one if the continuity of the nation's rights was to be preserved.

Nine months later Ferdinand died. By electing him
 1564. Hungary had made the worst possible bargain. The very fact of his being a Habsburg prevented any possibility of Hungary arriving at a reasonable *modus vivendi* with the Sultan, who, but for the fact of the identity of the King of Hungary and the head of the Holy Roman Empire, would have been quite ready to leave the Magyars in peace on acceptance of his suzerainty and on payment of a moderate tribute. The treaties which Ferdinand arranged with the Porte were made at the expense of Hungary, which the Turks continued to ravage while the hereditary provinces of Austria were left in comparative peace. From Mohács to the final ejection of the Mussulman, Vienna looked on Hungary as a buffer-state, specially intended by Providence to intercept the kicks to which Austria would otherwise have

¹ Salamon, *A Magyar Királyi Szék Beiktatása*, p. 50. The idea was given up for the reason that it was imagined that the task of expelling the Turks would be taken in hand more seriously if King and Emperor were combined in one person.

² Ferdinand required the nobles to "recognise," not elect, Maximilian as King.—Michael Horváth, *o.c.* iii. 247. As a compromise, the word "nominatus" was used instead of "electus."—Szalay, *Mag. Tört.* iv. 326, n. 1. Fraknoi, *Magyar Országgyűlési Emlékek*, iv. 371 sqq.

been exposed, and to pay at the same time for its privilege of vicarious suffering. As Hungary alone could not, and Ferdinand and Charles V. would not if they could, effect the expulsion of the Turks, it would obviously have been more satisfactory to pay the Sultan and be left in peace than to pay the Habsburg and be harried and dismembered into the bargain.

CHAPTER IV

1564. THE Hungarians who had hoped for a Magyar King found that, in Maximilian, they had got a purely German one who did nothing to gain their goodwill, but subordinated their interests in every detail to those of the hereditary provinces, of which, but for its control of taxation, what remained of Hungary practically became a part. And yet it was the possession of the ancient crowns of Hungary and Bohemia, not that of the provinces of Upper and Lower Austria, Styria, Carinthia, and Carniola, which gave the Archdukes of Austria their *locus standi* in Europe and ensured the election of Maximilian to the imperial crown. The new King was well acquainted with the doctrines of the Reformation, described Lutheranism as the true religion, and the opponents of Church reform as the servants of the devil ;¹ consequently, his succession to the throne seemed to promise a period of respite for the Protestants. But for this fact there was little to recommend him. He knew no Hungarian and little Latin, and so was obliged to address the nobles in the, to them, repulsive and unfamiliar German tongue. He regarded their notions of independence as mere impertinence, and took no pains to conceal the fact. Though the law of 1563 made it obligatory to convoke the Diet every year, unless circumstances (*i.e.* the Turks) made it impossible, his idea was never to summon it except when he was in

¹ *A Mag. Nem. Tört.* v. 361.

want of money. The climax of unconstitutionality was reached when he invented the plan of deliberately altering the text of laws after they had been finally approved by the representatives of the nation. The desultory war with the Turks continued with no more success than in Ferdinand's time, and ended in the now familiar way : 1568. *uti possidetis* and the payment of an annual tribute, or *munus honorarium*¹ as it was euphemistically called, to the Sultan. The peace of Drinápol nominally gave the country the blessings of peace for twenty-five years ; but in reality it was only a truce between King and Sultan, and the Turks still raided Hungary, and burned, and ravaged, and carried off slaves to Constantinople. Maximilian could do nothing but look on. He did, in fact, try to get German aid, but the Augsburg Diet of 1566 made it a condition precedent to the grant of assistance that Hungary should be fused in the Empire² and share its expenses and obligations, and nothing was done except to increase the nervousness of Hungary, to which the possibility of absorption in Germany was an ever-present nightmare. The complaints to which Ferdinand's unconstitutional proceedings had given rise were even better justified during the reign of his successor. The old grievances remained : the neglect of Hungary's interests, the abominable behaviour of the mercenaries, the failure to appoint to the chief offices of state, and the subordination of such functionaries as were in fact appointed to the corresponding officials in Vienna. With respect to the withdrawal or control of the mercenaries,³ plenty of promises were made, but none were kept, while as regards the grievances of a constitutional nature, Maximilian made no secret of his intention that things should go on as they had in his father's time. In his view, military and financial matters were not even "affairs of common interest," but

¹ Szalay, *Mag. Tört.* iv. 354.

² Michael Horváth, *o.c.* iii. 265.

³ As to their conduct, see *ibid.* pp. 275, 323.

were entirely outside the province of Hungarian influence ; and the Magyars should be more than satisfied if a Hungarian or two found a place from time to time in the Council of War and in the Treasury. Of the one remaining constitutional safeguard he tried to deprive Hungary by a trick : by proposing that the counties which would undertake the expense of provisioning the troops quartered on them—thereby, so he suggested, obtaining the whip-hand of the disorderly mercenaries—should be relieved of an equivalent amount of taxation. But the Diet was not to be hoodwinked, and seeing that the object of the suggestion was to deprive it of its financial control, repudiated the proposal with an unparalleled outburst of protestation against the “hitherto unheard-of system of slavery, tyranny, and oppression introduced under his Majesty’s *régime*,”¹ and threatened to meet no more and to vote no more taxes till the country’s grievances were remedied. The just complaints of the Diet, qualified as impudence by Maximilian, were, as usual, disregarded ; and want of combination, of leadership, and of the knowledge where and how to begin, reduced the nobles to practical impotence. They could do no more than continue the policy, which plays so large a part in Hungarian political history henceforward down to 1848, of making formal presentment of their grievances, of waiting and hoping. As regards the Turks, nothing shows the real feebleness of the Habsburgs at this period better than the fact than when the throne of Poland became vacant the Sultan’s nominee, Stephen Báthory, was chosen, to the unspeakable disgust of Maximilian, who had spared no effort to secure election.

1576. The most characteristic event of the next reign, Rudolph’s, was the attempt not only to fuse Hungary in Austria, but to force Catholicism on her at the point

¹ He used to bring some thousands of mercenaries to the Diet in order to overawe and coerce the members.—Beöthy, *o.c.* i. 309.

of the sword ; and it is, in a large measure, to the hold which Protestantism had obtained on the country that Hungary owed the success of her resistance to attempted incorporation. Rudolph's chief title to fame consists in the fact that he spent twelve million thalers on the purchase of pictures and statues—a sum which, if judiciously distributed among the unattached adventurers and impecunious princes of Europe, might have produced an army large enough to drive the Turks into the sea.¹ But Hungary's wishes had no influence on the new King, though, like his predecessors, he had sworn to maintain not only the Constitution, but the territorial integrity of his kingdom as well. He never summoned the Diet if he could possibly avoid doing so, and infuriated all strata of the population as much by subordinating the offices of state to the central bureaucracy of Vienna as by his indifference to the question of providing for the defence of the frontiers. The result was, that as the Hungarians had no hope of promotion in the Austrian service, and had no outlet for their energies at home, the disillusioned patriotism of the country transferred its allegiance to Stephen Báthory, in Transylvania, where Magyars found good and regular pay, and an opportunity of giving vent to their combative instincts. Rudolph was, apparently, both surprised and annoyed, and the gulf between him and his subjects widened perceptibly. The policy of concentrating all executive authority in Vienna was followed more consistently than ever, till the Diet brought the King up short by refusing to vote any ^{1580.} taxes, with the result that he appointed Hungarians to various posts, and expressed his readiness to utilise their services in connection with all matters of common interest to Hungary and Austria, military as well as financial. But the Diet had lost all patience ; palliatives were of no use to a disease which required radical treatment ; Hungary

¹ *A Mag. Nem. Tört.* v. 431.

- for the Hungarians was what it wanted, and exclusion of German influence and the restoration of constitutional government was, in its view, the only panacea.¹ Rudolph was "surprised," not to say pained, and nothing could ever induce him again to have any direct dealing with
1588. the Hungarians or with their ungrateful Diet. To a repetition of that body's demands for proper financial and military control, and for the re-establishment in its primitive form of the Hungarian Council, he replied by omitting to convene the representatives of the nation for a period of five years.
1593. Matters began to assume a threatening aspect, and it was, on the whole, fortunate for Rudolph that war with Turkey broke out again and distracted the thoughts of the Magyars from the grievances which twenty-five years of peace had done nothing to mitigate. Transylvania, the last stronghold of Hungarian independence, now became the chief object of Rudolph's attention. His intrigues were ably seconded by the Jesuits, arch-enemies of liberty, traducers of the Magyars, and glorifiers of Austrian despotism, who had been recently introduced into the country, and had succeeded in getting Sigismund Báthory completely under their thumb. Tired of Turk and Habsburg alike, and sick to death of his wife, Christina, Sigismund came reluctantly to the conclusion that the only way to be quit of all three was to resign
1598. his throne in Rudolph's favour. General Basta, a man of proverbial brutality, now came upon the scene as the representative of the blessings of Habsburg rule, and treated Transylvania as a conquered country,² with the result that the inhabitants soon sighed for the

¹ Contarini, ambassador of Venice, wrote : "Odiano naturalmente la casa d' Austria perchè lor pare d' esser stati tenuti non solo soggetti ma sprezzati assai, avendoli essa sempre sottoposti al governo de Tedeschi loro naturali inimici."—Sayous, *Histoire générale des Hongrois*, ii. 125, n.

² "Pilla avec un soin méthodique dont le souvenir n'a jamais disparu."—Sayous, *l.c.* ; Michael Horváth, *o.c.* iii. 377-379 *sqq.*

days when they were so miserable under Turkish domination. The Protestants were, naturally, the chief victims of the unholy alliance of Basta and the Society of Jesus, and their churches were destroyed and their clergy were expelled. These were the halcyon days of the Catholic Church, and the officers of State were so many instruments of religious oppression. Of the bishops who occupied fourteen out of twenty places in the Council, perhaps the worst was Stephen Szuhai, Bishop of Eger. He told the King that it was quite unnecessary to summon the Diet, and that it was far simpler to order the counties to collect the taxes and, if they refused, to dragoon them into submission. It was Szuhai who conceived the idea of accusing wealthy nobles of treasonable dealings with the Turks, and of confiscating their property on the strength of trumped-up evidence. Millions flowed into the Treasury in this way, to the great satisfaction of Rudolph, who was ready to do anything for money.¹ What Basta did in Transylvania, Belgiojoso did in Upper Hungary. He openly declared his intention of feathering his nest at the expense of the Protestants: of extirpating heresy to the eternal profit of his Catholic soul, and for the temporary satisfaction of his disreputable appetites. Rudolph, who suffered at intervals from nervous collapse, was a mere puppet in the hands of the priestly organisers of the anti-Protestant campaign, who robbed, and confiscated, and tyrannised to their heart's content. What specially annoyed land-owners and peasants alike was the fact that as, owing to troublous times, the value of produce had greatly increased, the priests wriggled out of the bargains which they had made with respect to tithes. Lay farmers of tithes, who had, in many cases, paid cash down to the Church at a time when money was scarce and produce was cheap, lost both capital and income, and the peasants found themselves again face to face with the

¹ *A Mag. Nem. Tört.* v. 569 sqq.

tender mercies of ecclesiastics who had a short way of dealing with heretic unpunctuality in the matter of payment. Thus, the general discontent had an economic as well as a religious basis. The success of the Reformation in Hungary was largely due to the tendency to identify Catholicism with Austrian autocracy: to look upon the established Church as an instrument of oppression, the means of escape from which might perhaps be found in the adoption of a new religion. Hatred of the Jesuits was another important factor. They were looked upon as Habsburg spies, and detectives in priestly garb presented a particularly unattractive spectacle. They encouraged the King in the belief that Protestantism was the one obstacle to the success of his germanising efforts, and that Hungary could never be properly incorporated in Austria until heresy was extirpated. The influence of the higher members of the Catholic hierarchy was always anti-national, and, with few exceptions, the bishops were at all periods of Hungarian history ready to sacrifice the individuality and the Constitution of the nation, provided the hegemony of Catholic dogma could be thereby assured. Pázmány, for example, who turned from the Reformed to the Catholic Church, was reported to have said that he would rather the country were inhabited only by wolves and foxes than that heretics should be allowed to exist there.¹ When the Court of Vienna wanted an instrument of oppression it could always find an appropriate tool among the Catholic bishops; no wonder, therefore, that the Catholic Church was looked upon, not as the provider of the means of salvation, but as a department of the hatred bureaucracy of Vienna. As in political, so in educational matters, the influence of the Jesuits was purely anti-Magyar. Their object was the discouragement of the idea of Hungary a nation; their weapon, the substitution of dog-Latin for the national language, and

¹ Beöthy, o.c. i. 372.

the suppression of all reference to the past glories of the period of independence.

The Diet continued to present its usual list of complaints : of the absence of the King from the country ; of the disregard of laws he had sworn to observe ; of the exclusive employment of foreign advisers ; of the black-guardism of the German mercenaries, and of the sacrifice of Hungary's material interests to those of Austria. In 1597 the Diet raised for the first time the question of the economic grievances, of which much will be heard hereafter. It pointed out that Hungary was a country which depended for its welfare, and for its power to bear the burden of taxation, on its ability to find a market for the raw materials which Austria excluded by means of protective duties, while it flooded Hungary with its own surplus products. But to this, as to all other complaints, Rudolph turned a deaf ear. Not satisfied with his sins of omission, he attempted the deliberate fraud of falsifying the law, and inserted in the laws of 1604 the celebrated twenty-second clause, which forbade the Diet to occupy itself in future with the discussion of any matter connected with religion.¹ When the forgery was discovered, he attempted to justify himself on the ground of good intentions, and of the discretionary power vested in the wearer of the Sacred Crown, though he was, of course, quite aware that the Constitution, which he had sworn to maintain, gave him neither a license to forge nor any independent legislative authority. This was the last straw on the back already strained to breaking by the Bastas and Belgiojosos. Rudolph saw, without regret, that a crisis was at hand, for he had no doubt as to his ability to suppress any rising that might take place, and, in fact, was pleased with the prospect of a reasonable excuse for establishing Church and autocracy on a sounder basis.

The nation's necessities brought forth the requisite

¹ Károlyi, *A. xxii. Articulus.*

leader in the person of Stephen Bocskay, a fervent Calvinist, a diplomatist, and a soldier, whom a mass meeting held at Szerencs¹ acclaimed Prince of Hungary and Transylvania. Liberty of conscience for all was proclaimed, and all who should fail to rise in defence of their country were stigmatised as traitors. Having secured the benevolent neutrality of the Porte, Bocskay in a short time collected an army of such dimensions that Rudolph had reasonable justification for a fresh nervous breakdown. Though himself a Protestant of the strictest type, Bocskay did not trouble about the religious opinions of his followers. It was enough for him if a man was a patriot and ready to fight for his country. At first Basta obtained
 1604 some success, but by the end of the following year all Transylvania and practically the whole of Upper Hungary were in Bocskay's hands, and his Haiduks were making incursions into Lower Austria, Moravia, and Silesia. It must be admitted that he took a leaf out of Basta's book, and destroyed and confiscated the property of the Catholic Church and of the Catholic nobles; but considering the provocation received and the class from which the majority of his followers were derived, it would have been a matter for surprise if nothing in the nature of reprisals had taken place. For this was essentially a popular rising from which the chief nobles of Upper Hungary, and bastard Magyars, who cared more for their pockets than for the ancient liberties of the nation, held aloof. Bocskay, like his lieutenant, Stephen Illesházy, one of the victims of Szuhai's policy of extortion,² fought, not for his own hand, but against compulsory germanisation: to win back Hungary for the Hungarians, and to preserve the national language and individuality. Consequently, he was ready to make peace at any moment provided satisfactory

¹ At this meeting resolutions were drawn up in the Hungarian language for the first time since the country's conversion to Christianity.—*A Mag. Nem. Tört.* v. 603.

² Michael Horváth, *o.c.* iii. 381.

guarantees of political and religious liberty were forthcoming. It is possible that he might have driven the Austrians clean out of Hungary, but the country wanted rest, and there was always the danger that the attempts of the Catholics to induce the Sultan to interfere might be crowned with success: for an alliance of Cross and Crescent was quite admissible in the eyes of the Church in the sacred cause of tyranny and religious obscurantism. Rome tried to stiffen Rudolph's back by promises of help, as did the Venetians, whose interest it was to keep him fully occupied in the South; and the Jesuits threatened him with excommunication if he made any concession to the insurgents and to Protestantism. But his troops were utterly demoralised, and his brother Mathias, sick of his incompetence and mad outbursts of impotent rage, pressed him to make peace.

Bocskay embodied the terms on which he was willing ^{1605.} to suspend hostilities in fifteen articles, which demanded, *inter alia*, religious liberty for Calvinists and Lutherans; the abolition of the forged twenty-second clause of the law of 1604; the exclusion of the bishops from political office, and, generally, from interference in Hungarian affairs; the expulsion of the Jesuits; the appointment of a Palatine ¹ with complete authority to represent the King during his absence from Hungary; the confiding of the management of Hungarian military and financial affairs ² to Hungarians; the exclusion of German advisers; the exclusive employment of Magyar officers and Magyar troops within the limits of Hungary; and a general amnesty to put an end to accusations of treason and the consequent extortion. The news that a large Turkish ^{1606.} army was advancing finally induced Rudolph, after months

¹ None had been appointed for forty-six years in spite of continual protests of the Diet.

² For the financial position at the end of the sixteenth and the beginning of the seventeenth centuries see Acsády, *A Magyar Adózási Története, 1598-1604-ben*, Budapest, 1906, pp. 49-59.

of haggling, to give way on the main points, and to sign the convention known as the Peace of Vienna, in which, as a final wriggle, he inserted the clause "without prejudice to the Catholic faith," in order to qualify the obligations imposed on him and to have a weapon for future use. Five months later the peace of Zsitvatorok arranged matters with the threatening Turk, for the first time on a basis not altogether disgraceful to Christian Austria, as no annual tribute was exacted, though 200,000 florins were in fact paid as the price of a twenty years' peace which confirmed the Habsburgs in possession of, roughly, one-quarter of the Hungary of seventy years ago.¹ The peace is remarkable for another reason; for the fact that the terms were submitted to the Diet for consideration and were embodied in a special law; and thus the principle of the ratification of foreign treaties by the representatives of the nation as essential to their validity received fresh confirmation. Bocskay had not fought in vain. Protestantism, which hitherto, like Judaism, had been a nominally tolerated, but not a recognised religion, now received legal sanction; and, thanks to him, Magyars were Magyars still, when Austrian poison ended his career only a few months after the achievement of his object.² The death of Bocskay would, no doubt, have had the result of encouraging Rudolph to violate the compact recently made, but, fortunately, his family was tired of the sick man, who at times "bellowed like a bull or roared like
 1607. a lion," and failed even in his attempts to commit suicide, and a bloodless palace revolution put his brother Mathias in possession of the throne of a fragmentary Hungary.

In pursuance of the terms of the peace of Vienna,³ the
 1608. Diet was summoned, and proceeded to add a fresh chapter to the constitutional history of Hungary, and new clauses

¹ Szalay, *Mag. Tört.* iv. 460.

² Michael Horváth, *o.c.* iii. 429.

³ It has been termed the first *Ausgleich*, or "Compromise," between Austria and Hungary.

to the fundamental laws which no Habsburg ever frankly obeyed or openly impugned. The elective nature of the monarchy¹ received fresh confirmation, though Mathias struggled hard to get himself "recognised" instead of elected; and the historic rights and privileges of the nation were again formally guaranteed in writing before the coronation took place. Clause 22 of 1604 was abrogated, "the same having been added to the Statute Book *extra Diacetam*, and without the consent of the people."² Religious freedom was assured to the Protestants, and places of worship confiscated by either party during the late disturbances were to be returned to their true owners. It was provided that the Palatine should be elected at the next meeting of the Diet, and that in the event of the King being unable to live permanently in Hungary, or being obliged to be absent for a long period, the Palatine, in accordance with the full powers to be granted to him by his Majesty in that behalf, should, as ancient custom demanded, have as complete authority to govern and administer the country with the help of the Hungarian Council as the King himself would possess were he not absent.³ It was further provided that the King should submit the names of two Catholics and two Protestants as candidates for the office in question, from among whom

¹ Clearly recognised by non-official Austria, the Protestants of which begged the Hungarians not to elect Mathias unless he guaranteed religious liberty to them also.—Michael Horváth, *o.c.* iii. 458, 462.

² Clause 1 of the Terms of Peace.

³ Clause 18 of the law of 1608, ratified by Mathias before coronation and as a condition precedent to election. This clause is of special importance, as a similar one in the laws of 1848 was said by the enemies of Hungary to be a revolutionary innovation, justifying the taking of extreme measures. Clause 3 of the terms of peace says: "Statutum et constitutum est quod sua Serenitas (the Palatine) secundum plenipotentiam sibi per suam Majestatem non ita pridem concessam in negotiis regni Hungariae per Palatinum et Consiliarios Hungaricos, non secus ac si sua C. R. que Majestas personaliter praesens adesset, audiendi, proponendi, judicandi, concludendi, agendi et disponendi in omnibus iis quae ad conservandum regnum Hungariae ejusdemque regnicolarum quietem et utilitatem videbuntur esse necessaria, plenariam potestatem et facultatem habeat."

the Diet should elect one ; and that in the event of the Palatine's decease the King should be bound to summon a special meeting of the Diet within one year for the election of a successor (clause 3). Clause 4 requires the Sacred Crown, the symbol of national independence, to be brought back to Hungary and left there in the custody of elected Magyar laymen. Clause 5 provides that the Treasurer must henceforth be a Magyar and a layman, and that no foreigners are to be allowed to meddle with any branch of the national revenues, the management of which is to be entirely independent of the Austrian treasury. Hungary proper, as well as the parts thereto annexed — Dalmatia, Croatia, and Slavonia — are to be governed by Magyars only ; appointments are to be made without regard to religious belief ; and his Majesty is to take care that no foreigners are ever allowed to interfere in any governmental department (clause 10). German and other foreign mercenaries are to be withdrawn from the country as soon as possible (clause 12). The King is to undertake to maintain the "privileges, liberties, customs, and immunities" of the people in "undiminished sanctity ;" and all decrees which may be in contradiction with the ancient laws of the kingdom are to be amended and put in order by a special commission, and, as amended, are to be adopted by the Diet and ratified by the King. Further, the clause of the Golden Bull and of its amending Act, which prohibits the punishment of any person without legal citation and conviction, receives fresh confirmation (clause 16) ; and the Jesuits, the fount and origin of half the discord and disasters which rent the kingdom, are forbidden to own real property in Hungary. Thus the conflict between Magyar patriotism and Austrian autocracy apparently resulted in the complete victory of the former. The Protestants are no longer to be harried and oppressed at the discretion of the Jesuits. Hungary is to cease to be a milch cow to be drained and debilitated

by foreign adventurers and parasites of the Habsburgs. It is no longer to be a mere province of Austria, privileged to intercept the blows of the Turks, and to pay for the privilege in blood and taxes. The contract between Hungary and the Habsburgs, which each successive King had done his best to tear to shreds, was again patched up—to be violated again so soon as convenient occasion offered. The legislation of the year 1608 is memorable also for the fact that the indiscriminate right of all nobles to appear at and take part in the deliberations of the Diet was abolished, and the representative system was definitively introduced. Further, the Diet was divided into two Chambers. What we may call the Upper House henceforward consisted of the magnates and hereditary barons, the bishops, and certain other high ecclesiastical functionaries; the Lower House, of the deputies from the counties, from certain chapters and free towns, and of the representatives of absent barons. Thus for the first time the existence was recognised of an aristocracy separate and distinct from the common aristocracy of the whole body of freemen.¹

After the Peace of Vienna the Protestants tried to secure the results of their victory, and the Catholics to win back by fair means or foul what they had lost. The resulting conflict fills the history of the next thirty-seven years. The law providing for the re-establishment of Hungarian control of Hungarian finances remained

¹ The barons and magnates included the Comes of Pressburg, the guardians of the Sacred Crown, the governor of Fiume (later), hereditary and appointed lords-lieutenant, hereditary counts and barons, and other High Court and judicial officials (Kmetz, *Közjog*, p. 85, n.). In the Lower House the judges of the High Court had seats, but took no part in the debates and had no vote. The number of the county representatives was not fixed till 1681, when the Lower House complained that only two were summoned from each county. The Upper House did not agree that there was reason to increase the number, which thus was tacitly fixed in perpetuity, down to 1848, at two. The number of the free towns entitled to be represented was fixed at eight, in accordance with the decree of King Vladislav, but apparently others sent deputies also.

practically a dead letter, and Vienna continued as before to turn a deaf ear to the protests of the Diet. Mathias, who never had the least intention of giving effect to the laws of 1608, tried his hand at Rudolph's old trick of altering the text of laws after they had received their final form at the hands of that body, which eventually had to pass a law (1618) to emphasise the fact that the King had no right whatever to omit anything from, or interpolate anything in, the Bills submitted to him for confirmation—that he possessed indeed the right of veto, but not the privilege of forgery. It is noticeable that the Magyars did not fight for their own hand only, but did their best to improve the position of the Protestants in the hereditary provinces. Mathias, however, pointed out to them that Austria was Austria and not Hungary, and politely requested them to mind their own business. And in fact they were soon fully occupied with their own affairs, for as soon as Mathias was elected Emperor at Frankfurt, he felt himself strong enough to begin a systematic anti-reformation campaign against the "dog's creed," as he styled it, and the Jesuits again raised their heads in Hungary, and opened schools just as if there never had been such a thing as the Peace of Vienna or the laws of 1608. Of course it would be absurd to suppose that the Protestants were nothing but injured innocents, passive victims who turned both cheeks in turn to the smiter and confined themselves to making verbal protests. As in England, so in Hungary, as regards readiness to give their opponents the opportunity of earning the martyr's crown, there was little to choose between Catholics and Protestants. It was merely a question of opportunity; and as the former were members of the established Church, and Vienna identified Protestantism with Hungarian nationalism and hostility to benevolent despotism, it is obvious that the votaries of reformation got comparatively little chance of indulging their

propensity to persecute their opponents. Bishop Khlesl summed up the official Catholic view in the phrase, "Between Christ and Belial there can be nothing in common," *i.e.* that the King could at any moment take away with his left what his right hand had been forced to concede, and that no moral obligation could originate in a treaty made with heretics. Protestantism was therefore at a permanent discount.

Transylvania, the refuge and stronghold of Magyar nationality, cared even more for freedom of conscience than for political independence, and the schemes of Gabriel Bethlen were directed to the recovery of the former rather than of the latter.¹ Personal aggrandisement was not his ultimate object when he took the side of Bohemia in the war with Austria, which ended so disastrously for the former at the battle of White Mountain and led to the conversion of the hitherto existing trialism into the dualism of to-day. His notion was to secure the independence of Protestant Hungary, increased by the addition of the hereditary provinces in Austria (in which Protestantism had taken root as strongly as anywhere), which had already cried to the Magyars to come over and help them. He had hoped, in alliance with Bohemia and with the Protestant German princes, to obtain a Protestant majority at the Diet of Frankfurt, and so to put an end for ever to the great enemy of Calvinistic and Lutheran humanity—the domination of a Catholic emperor. The ease with which Ferdinand II. destroyed the historic independence of Bohemia, established the predominance of an intolerant Catholic minority, substituted German for Czech as the official language, and foisted a German bureaucracy on the conquered country, encouraged the Habsburgs in the work of reducing Hungary to the position of a province or a

¹ See the manifesto issued by him on the eve of insurrection.—Szalay, *Mag. Tort.* iv. 518, n.

colony of Austria. It was in the Turks that Gabriel Bethlen saw the chief defence of Hungary against germanisation. He did not want the Turks any more than he wanted the Habsburgs, but a long residence among the former had taught him that from many points of view, more especially as regards respect for the given word, the former were vastly superior to the latter. It was his object that the Hungarians should be masters in their own house, and in order to attain it he never hesitated to utilise a heathen against a Christian despot.

During the whole of Ferdinand's reign the complaints of Jesuit influence and of evasions of the laws of 1608¹ continued without interruption. The underground rumblings were unintermittent, but nothing took place in the nature of an earthquake beyond an advance into Upper Hungary by George Rákóczy of Transylvania, who, guaranteed by treaty the financial support of France and Sweden, thought the time had come to effect the final liberation of his country from political and religious oppression. Unfortunately, the Magyars were temporarily divided by the spirit of religious intolerance. The Protestant members were at one moment on the point of seceding in a body from the Diet; and throughout this period national politics were completely swamped by religious dissensions, as is shown by the terms of the
 1645. Peace of Lincz concluded between Rákóczy and Ferdinand III., and incorporated in the Statute Book by the Diet of 1646.² Except for clauses 9 and 65, which provide for a general amnesty and forbid the sending of Magyar troops out of Hungary, the convention is concerned solely with guarantees of the free exercise of religion and of the free use of chapels, bells, and churchyards; with the

¹ In the Diploma Inaugurale he undertook to observe them "*in omnibus suis punctis, clausulis, et articulis, firmiter et sancte, per aliosque omnes inviolabiliter observari faciet.*" It is set out in Marczali's *Enchiridion Fontium*, p. 514 sqq.

² *Enchiridion Fontium*, pp. 522-542.

prohibition of interference by landlords in the religious affairs of their peasants; and with the distribution of honours and offices without regard to religious opinions.

Hitherto, as we have seen, Transylvania and its princes had done much to preserve the existence and the liberties of Hungary, but now it spent its force in useless internal and external wars under George Rákóczy II. The result was that there was no one to interfere with the process of grinding Hungary to pieces between the Turkish and the Austrian millstones. The country was never more exposed to the horrors of Turkish irruptions than during the early part of the reign of Leopold I. (1657-1705), while he and his Jesuit advisers were occupied with the task of extirpating heresy and destroying the last vestiges of political liberty.¹ In the Diploma Inaugurale,² and by his coronation oath, Leopold undertook to observe and maintain the laws and liberties of Hungary; to summon the Diet at least once every three years; to employ exclusively Magyar counsellors in Magyar affairs, and Magyar soldiers and officers in Hungary; not to remove the Sacred Crown; and above all to obey the laws of 1608—the guarantee of religious freedom. But the ink of the Diploma was scarcely dry when he began to follow his father's footsteps, to renew the campaign of which the ultimate object was the abolition of all constitutional guarantees and the establishment of an unlimited despotism. In order that he might have a free hand, and that the Porte should have no excuse for interference, he did not even remonstrate when the Turks annually raided Hungary and killed and carried off the inhabitants to the number, according to a contemporary estimate, of 10,000 every year. Though the great majority of the population was Protestant, the lords-lieutenant and other

¹ For details see Alfred Michiel, *Histoire secrète du Gouvernement autrichien*, p. 126 sqq. Unreliable.

² Confirmed and incorporated in the Statute Book by the Diet of 1659.

officials were mostly Catholics, who used their influence in an anti-Protestant, anti-national direction,¹ by forcing the counties to send Catholic representatives to the Diet, thus strengthening the forces of intolerance and multiplying the instruments of autocracy. The peasants, for the most part, clung to Protestantism, for the services of the reformed Church were conducted in Hungarian, instead of in Latin which no one understood²; but nine-tenths of the great landowners were Catholic, and as intolerant as the Jesuits, who, within a year of the coronation of the new King, already felt themselves strong enough to begin a campaign of compulsory conversion and the extirpation of the recalcitrant. Stankovics, the Jesuit, clearly expressed the true aim of official Austria in his prayer: "God grant that we may soon see the day, the glorious and blessed day, when the whole of Hungary will speak but one language and will be united in the ancient faith." So the real object was not to ensure the salvation of mankind by turning all hearts to the Virgin, but to extirpate the national language and therewith the feeling of Magyar nationality. Nicholas Zrinyi in vain urged the King to put an end to the three great evils—mercenaries, Turkish raids, and religious persecution; but the King listened to none but Montecuccoli, and replied that if the Diet would drop the religious question, something might be done against the Turks. As a matter of fact, the Turks were a far lesser evil than the German mercenaries,³ as the former looked upon

¹ Catholic landlords considered themselves justified in compelling their peasants to attend Catholic services, and to hand over Protestant churches on their estates to the Catholics, even where the majority of the population was Protestant.—Michael Horváth, *o.c.* iv. 26. The principle on which they acted was expressed by the phrase, "*cujus regio, ejus religio.*"

² The Jesuits of Munkács, seeing that the peasants took no interest in services which they could not understand, tried them with mass in their own language, and with success, until the Pope in 1661 forbade the substitution of Hungarian or any other language for Latin.

³ See Law iii. of 1596 as to robberies, murders, arson, and sacrilege "which no words can describe."

Hungary as on their future inheritance, and consequently set a certain limit to their destructive instincts, while the latter, who generally engaged themselves for a single campaign only, considered war as a commercial undertaking. Whether they killed Turks or Magyars they did not care; in fact, understanding neither, they hardly distinguished between the two. Money, not glory, was their object, and if, as was generally the case, they did not receive the wages promised by their Austrian paymasters, they indemnified themselves at the expense of the peaceful inhabitants, and what they could not turn into cash they ruthlessly destroyed.¹ The general discontent must have eventually ended in a national revolt against Austrian rule; but once again the Turks acted as a lightning conductor for Austria, and all the energies of Hungary were directed against them until the complete defeat of the Sultan's troops at St. Gothard led to the Peace of Vasvár, when Austria again sacrificed Hungary's interests, in spite of the oceans of blood the Magyars had shed in defence of their country. Not only were the Hungarians not consulted as to the terms of peace; ² not only was no part of their country recovered as the result of a successful campaign, but four additional counties ^{1664.} were handed over to the Turks. The Magyars came to the natural conclusion that the Court of Vienna had no intention of freeing them from the Turkish yoke, and that they had therefore no alternative but to make the best terms they could with the Porte in order to save themselves from the destruction as a nation which Vienna thought could easily be brought about, now that religious differences made concerted action an impossibility, and as the country had lost its only possible leader by the death of Nicholas Zrinyi.

¹ "Rather *Allah* than *wer da*," i.e. than the "who goes there" of the Germans, was a popular phrase of this period.

² Szalay, *Mag. Tört.* v. 98.

Zrinyi's brother, Peter, Nádasdy, and Frangepán, after futile negotiations with Louis XIV., who, though anxious that troubles at home should prevent Austria from interfering abroad, was not, for the moment, disposed to help the Hungarians, did in fact raise part of the country in revolt. After a few small successes they were induced to lay down their arms by a promise that Hungary's grievances should be remedied, and a general amnesty granted to all who had taken part in the rising. The value of Habsburg promises was, as usual, too highly
 1671. estimated, and the three counts, Zrinyi, Nádasdy, and Frangepán were executed after a mock trial before an Austrian tribunal.¹ A reign of terror followed; executions were a daily occurrence; over 2000 nobles were thrown into prison, and the foreign mercenaries were given a free hand to murder, burn, and impale in the name of Christ and Mary.² "Poor Nádasdy! May he rest in peace. I have had two masses said for the repose of his soul." Having thus salved his conscience, Leopold informed the Protestants that owing to insurrection their religious liberty was forfeited, and proceeded to the wholesale confiscation of schools and churches. Public opinion made Leopold personally responsible for the massacres which followed, but it is probable that he was in reality a more or less blind instrument in the hands of Lobkowitz,³ the moving spirit in the anti-Protestant, anti-Hungarian campaign,⁴ who was ably seconded by Bishop Kollonics

¹ Wagner, *Hist. Leop.* i. 249; *Histoire des Révolutions de Hongrie*, 1739, i. 237 sqq.; Szalay, *Mag. Tört.* v. 134 sqq.

² A gold piece was given to any mercenary who killed an ex-insurgent, and six months' pay for killing an officer.

³ Lobkowitz said to Gremontville, ambassador of Louis XIV.: "The Emperor is not like your King, who sees everything, and himself gives the lead in all matters. He is like a statue which we put in the position which suits us best."

⁴ Michael Horváth, *o.c.* iv. 90 sqq.; Wagner, *Hist. Leop.* i. 265. Wagner was himself a Jesuit, but lets the truth come out in spite of his violent anti-Magyar prejudices.

when any dirty work was to be done. To complete their victory, and to erase the last vestiges of Hungarian liberty, an attack on the organisation of the counties was begun. Owing to the devastated condition of the county the collection of the ordinary taxes was an impossibility. Orders were therefore given that each county should maintain its oppressors, the German mercenaries who were quartered upon it, and that failure to do so should entail "the most terrible consequences." Every family was to be taxed according to its *presumed* normal consumption of meat, beer, wine, and brandy (it was even proposed to tax every pair of shoes), and this at a time when half the land was out of cultivation and the depredations of the mercenaries made the obtaining of supplies from a distance an impossibility.¹ How and where the people were to get the articles of food scheduled as the basis of taxation the Viennese Court neither knew nor cared. That peasants starved was a matter of no importance provided the taxes were paid. The noble landowners who should have helped and protected them were refugees, if Protestants, and occupied in currying favour with Vienna, if Catholics ; and so the soldier tax-collector had a free hand.

According to the Swedish ambassador, Puffendorf, Leopold took an oath in 1670 that if, by the grace of God, he succeeded in putting down Zrinyi's insurrection, Hungary should become a true *Regnum Marianum*, and every Protestant should be expelled from the Virgin's territory. When Puffendorf remonstrated with him on the subject of religious persecutions and Turkish raids, he replied that it was no great misfortune if the Sultan pocketed a bit or two of Hungary, and that, personally, he would rather lose the whole than endure the presence of any heretic.² But, for the moment, even Leopold had

¹ *A Mag. Nem. Tört.* vii. 300.

² *Ibid.* vii. 301.

qualms of conscience on the subject of the oath he had taken at his coronation to maintain the liberties and the Constitution of Hungary, and turned to Kollonics, an authority on matters of conscience, who appointed a committee consisting of four Jesuits and three monks to decide the moral question involved. The committee unanimously decided that Hungary had forfeited all historical and natural rights, and that the King was under no obligation to treat its inhabitants as human beings. Thus with a clear conscience, knowing for certain that his actions smelled sweet in the nostrils of the Almighty, for the committee told him so, Leopold proceeded with his work of extirpating heresy and pulverising his sacred engagements. A mild protest was raised by Bishop Szelepcsényi against the abolition of the shadow of constitutional government which remained, but his action was evidently due to fear of losing his place and emoluments as viceroy, and on being guaranteed the continuance of his salary he reconsidered the matter and withdrew his opposition. On March 11, 1673, Leopold published the decree which he imagined was to reduce Hungary for ever to the position of a hereditary province of the Habsburgs. All constitutional forms were abolished, and Ampringen, a licentious and self-seeking soldier, was appointed governor-general, with a council consisting of Szelepcsényi and Kollonics, the typical representatives of religious intolerance, and ten others to aid him in the task of germanising the country and of "taking care of the interests of the Roman Catholic Church."¹ But the scheme was still-born. Dissensions among the German officials condemned it to failure from the start, and absolute anarchy reigned in the land, to the satisfaction of none but mercenaries, who were thus left undisturbed in their orgy of brutality and depredation.²

¹ Instructions, Szalay, *Mag. Tört.* v. 155, n.

² If the peasants complained they were robbed of their last farthing and

Kollonics' boast that he would make Hungary first a slave, then a beggar, and then Catholic,¹ lacked justification only as regards the last item. Wherever the population could manage to keep in touch with its clergy it still adhered to its religion. Kollonics, therefore, directed his persecution mainly against the clergy, in the hope that when the last of its members had been killed, imprisoned, or driven out of the country, such Protestants as still wished to be married, or to christen their children, or to be buried, in accordance with some kind of Christian formality, must perforce be converted to Catholicism. The result, to judge from the number of shepherdless sheep who returned to the true fold, was eminently satisfactory. Of the conversions which took place in the course of the succeeding three years, 6000 are ascribed to Bishop Szelepcsényi and 7000 to Bishop Bársony; while the Jesuits, who are more exact in their figures, are credited with having won 15,219 souls for Christ in the single year 1673.² A *judicium delegatum extraordinarium*,¹⁶⁷⁴ or special tribunal, for the wholesale trial of Protestant clergy, was established at Pressburg, which summoned 336 pastors and schoolmasters before it, and expeditiously condemned those who were foolish enough to obey the summons, or did not die in prison, to death—the sentence being subsequently commuted by the tender-hearted Kollonics to hard labour in the galleys at Trieste and Naples.³ The general disgust of Europe led to remonstrance on the part of certain German princes and of Sweden and Holland.⁴ A temporary halt was called; but the feeling of hatred engendered throughout Hungary

received corporal punishment into the bargain.—Michael Horváth, *o.c.* iv. 99. Even the Austrian Court was shocked by the "godless excesses" of the German mercenaries, and in 1696 ordered the military authorities to take steps for their prevention, lest the wrath of Heaven should be incurred.—Wagner, *Hist. Leop.* ii. 313.

¹ Szalay, *Mag. Tört.* vi. 30.

² *A Mag. Nem. Tört.* vii. 328.

³ Michael Horváth, *o.c.* iv. 97.

⁴ Wagner, *Hist. Leop.* i. 325.

was too deep to be allayed by trifling concessions, and the national aspirations found a new leader in the person
 1676. of Imre Thököly, whom the Turks, as well as Louis XIV., then at war with Leopold, helped with men and money.

His object was much the same as that of other national champions, his predecessors: religious liberty, the restoration of confiscated property, the recognition of his claim to the title of Prince of Transylvania, and constitutional government for Hungary.¹ At first he obtained only minor successes, in Moravia and elsewhere, but by the beginning of 1683 nearly the whole of Upper Hungary was in his hands. The Court of Vienna soon became aware of its inability to put down the insurrection, but at the same time was disinclined to make substantial concessions. The failure of the new system of government and the retirement of Ampringen, its moving spirit, made Leopold see that something must be done to quiet popular discontent for fear lest the revolt, which at first showed signs of taking a slow and
 1681. indecisive course, might end in a general conflagration. The Diet was summoned, and its first demand, the election of a Palatine, was conceded. More than this Kollonics had no intention of allowing Leopold to grant; and the Protestants² could do no more than bring forward series after series of complaints: that churches were turned into stables or used for profane purposes; that schools were closed, and that submission to extortion was a condition precedent to permission to bury their dead.³ Eventually, more out of weariness than for any other reason, and, possibly, influenced by the wish to get his second wife Elenora Magdalene crowned quietly, Leopold gave way to some extent, reconfirmed the terms

¹ Wagner, *Hist. Leop.* i. 558.

² Being in a minority. They were forty-two to sixty-six Catholics—Szalay, *Mag. Tört.* v. 197.

³ Marczali, *Enchiridion Fontium*, p. 544.

of the peace of Vienna,¹ which had nominally guaranteed religious liberty to all, gave permission to the ejected 1681. Protestant clergy to return to their parishes, annulled the forcible conversions of the past years, and specified certain districts in which schools and churches might be built.² This, of course, contented no one; neither the Catholics who objected to any interference with, or diminution of the right to persecute their religious opponents which they had hitherto enjoyed, nor the Protestants, who would be satisfied with nothing short of absolute religious equality with the Catholics. The outrageous system of taxation introduced in 1672 was withdrawn, and arrears of taxes, it being impossible to collect them in the impoverished state of the country, were remitted. The office of Governor-General was abolished; a general amnesty was proclaimed; the withdrawal of German soldiers was promised; and the subordination of the Hungarian Treasury to the corresponding institution in Vienna nominally ceased. But Kollonics remained president of the Treasury, in spite of the law forbidding the holding of that post by an ecclesiastic, and Esterházy, the new Palatine, made little or no attempt to restore the old authority of his office. In fact, the laws of 1681 were merely a sop thrown to public opinion, and an attempt to throw dust in the eyes of the Protestant Powers of Europe.

The instant Thököly's defeat at Pressburg caused his 1683. retirement, and John Sobieski's victory over the Turks under Kara Mustapha raised the siege of Vienna, Leopold began to regret the concessions of 1681. Careless of what might happen to Hungary, he secretly offered terms

¹ Clause 25 of the law of 1681: "*Liberum Religionis exercitium a parte nonnullorum interturbatum*," is the unexaggerated description of the horrors of the past years.

² Clause 26. It was at the same time enacted that Hungary should have its own diplomatic representative at the Porte, who was to be on a footing of equality with the Austrian envoy.

of peace to the defeated Vizier in order to save himself the trouble and expense of pursuing his advantage. But the offer was refused, and the Pope and the Venetians, believing that the time had at length come to drive the Turks out of Europe, compelled the Austrians to continue the war.¹ Otherwise, for all Leopold cared, Hungary might have waited till doomsday for its liberation from the Turkish yoke. Now that Thököly was temporarily out of the way, the King conceived fresh conscientious scruples about keeping a promise made to Protestants ; and fearing to compromise his soul's salvation, cast about to find some new method of extirpating heresy, and, incidentally, of incorporating Hungary in his hereditary dominions. His advisers pressed upon him the view that the complete reconquest of the parts occupied by the Turks, which now seemed probable, justified him in regarding Hungary as a country conquered for his own benefit and not for that of its inhabitants. Hungary, so Kollonics said, owing to the long duration of the Turkish occupation, had lost its Magyar character,² and Austria could deal with it as she pleased. Two committees, in which, naturally, no Hungarian found a place,³ were appointed to consider the question of the proposed incorporation in the hereditary provinces, and that of the introduction of a permanent system of taxation without
 1686. representation. The recapture of Buda by Charles of Lorraine after a century and a half of Turkish occupation, and the complete defeat of Kara Mustapha at Mohács, the scene of the great disaster of 1526, temporarily put an end to disturbances in Hungary. Thököly, to whom the Vizier attributed his misfortunes, was thrown into prison

¹ Beöthy, *o.c.* i. 422.

² The fact that this was not true, though the greater part of Hungary had been occupied by the Turks for a century and a half, is one of the most remarkable facts in Hungarian history, and should have satisfied the Habsburgs as to the futility of attempting to germanise the Magyars.

³ Beöthy, *o.c.* i. 503.

at Belgrade, and with the exception of Munkács, where the heroic Ilona Zrinyi, his wife, still held out, the whole country was in the hands of the imperial troops. But the lies of Caraffa led Leopold to believe that a fresh insurrection, of a far more dangerous character than any of its predecessors, was pending; a new extraordinary tribunal was established at Eperjes, and the butchery of innocent but inconvenient persons which followed recalled the worst days of the Spanish Inquisition, and acquired for Caraffa¹ a permanent reputation for brutality rivalled only by that of Basta and Belgiojoso in the past, and of the butcher Haynau at a later date. A recrudescence of persecution followed all over Hungary, especially in the reconquered parts, where, under the heathen rule of the Turks, the Protestants had exercised their religion in comparative peace.

The fear of torture rather than that of death had^{1687.} reduced Hungary in the course of twelve months to such a state that Leopold thought the time to be ripe for the realisation of the scheme cherished by the Habsburgs for the last 150 years, namely, the abolition of Hungary's elective rights, and the establishment of hereditary monarchy. The disgust generated in Europe by the butchery of Eperjes made it advisable to give the semblance of legality to the execution of the scheme, instead of abolishing Hungary's rights merely with the stroke of a pen and incorporating it once for all in the hereditary dominions. The Diet was therefore convoked,²

¹ Of Neapolitan origin. He owed his rapid advancement to the Jesuits, to whom his fanaticism and cruelty recommended him.—Michael Horváth, *o.c.* iv. 183. Arneth, a non-Magyar authority, in his life of Field-Marshal Starhemberg, quoted by Szalay (*Mag. Tört.* v. 352, n.) says, "Sehr ist zu bedauern, dass der Glanz der erfochtenen Siege durch die Grausamkeit befleckt wurde, mit welcher der unmenschliche Antonio Caraffa zu Eperies gegen die angeblichen Theilnehmer einer kaum wirklich bestandenen Verschwörung verfuhr."

² Kollonics expressed surprise at the sparse attendance of the representatives of the counties, and at the youth of those who were in fact present. He himself supplied the answer to the enigma: "Of course, if all the older men have been decapitated, you can send only young ones."—"A Történelmi Társ," cited in *A Mag. Nem. Tört.* vii. 465.

and the King announced that though he would be justified in treating Hungary as a conquered country to be dealt with as he pleased, he was disposed, of his mercy, to re-establish the Constitution under three conditions:¹ Firstly, that the inaugural diploma should henceforth take the form of that signed by Ferdinand I. Secondly, that the hereditary right of the male line of the house of Habsburg to the throne of Hungary should be acknowledged in perpetuity. Thirdly, that the clause of the Golden Bull giving the right of armed resistance to unconstitutional acts of the monarch should be abolished. It is perhaps surprising that the last condition had not long ago been insisted upon, as though, in reality, it gave no protection to insurgents if the King got the better of them, it yet gave a sort of legal sanction to insurgence, and justified to some extent the expectation of immunity in case of failure. Only one speaker,² the Chief Justice, Count Draskovics, was bold enough to urge the retention of the clause and the maintenance of the elective nature of the monarchy. All the conditions were accepted with little, and that chiefly formal, opposition.³ And thus, after 687 years, Hungary ceased to have an elective monarchy; and as, in fact, it had ceased from the time of Ferdinand I.

¹ "Posset equidem eadem sacratissima Caesarea Majestas Regno huic . . . omni jure leges dare nec non vi armorum recenter acquisita jure belli sibi suisque augustis haeredibus separatim attribuire placitisque et convenientibus legibus gubernare." October 31, 1687. The King's "propositions" at the opening of the Diet.

² Marczali, *Enchiridion Fontium*, p. 677; Wagner, *Hist. Leop.* ii. 30. He died suddenly a day or two later, and was popularly supposed to have been poisoned on account of his independence.—Katona, *Historia Critica*, xxxv. 441.

³ Even the extension of the right of hereditary succession to the Spanish branch of the Habsburgs which became extinct in 1700. In the event of the extinction of all male descendants of both branches "the ancient and approved custom and prerogative of the Estates and Orders in the matter of the election and coronation of their kings" revives.—Cl. 2, 1687. This is of importance in connection with the Pragmatic Sanction.

to be elective, except on paper, the country lost little by the concession.¹

The real pinch was in the first condition, for the diploma of Ferdinand I. contained no guarantees of religious freedom, as in 1526 the right of freedom of conscience was not questioned, and the idea, now rooted in the Habsburg mind, that religious unity was essential to, and would necessarily lead to, political unity, had not been conceived. The Protestants protested in vain. The Catholic majority had its way, and, satisfied with the triumph of dogmatic intolerance, gave way almost unasked on other points of far greater importance than the question of an hereditary crown.² The form of diploma, as finally settled, contained no reference to the obligation of convening the Diet at least once in every three years ; to the exclusion of foreign interference in Hungarian affairs, which a dozen laws and previous diplomas had guaranteed ; to the election and sphere of influence of the Palatine ; to the employment of Hungarian officers in Hungarian regiments ; or to the obligation of withdrawing foreign mercenaries from the country. In accordance with the terms of the new law—the work of an intolerant Catholic majority which in no sense represented the opinion of an intimidated country—Leopold's son, Joseph, was crowned in his father's lifetime³ first hereditary King of Hungary,⁴ in grateful remembrance of the benefits conferred by the

¹ Clause 2 provides that in future the states and orders of Hungary, and the parts thereto annexed, will have none other for their King than the legitimate descendants of the King in accordance with the law of primogeniture. Thus the King of Hungary becomes *ipso facto* King of Croatia, which M. Horn would have us believe was an independent, allied, kingdom.

² At this Diet the representatives of over a hundred non-Hungarian families were foisted on the Upper Chamber with a view to creating an entirely anti-national aristocracy as had been done with success in Bohemia after the battle of White Mountain.—Beöthy, *o.c.* p. 504.

³ *Rex junior*, as in the reigns of Andrew II. and Béla IV.

⁴ But the coronation, the diploma, and the oath still remained conditions precedent to investiture with royal power.

ejection of the Turks from Buda,¹ which, if successive Habsburgs had attempted to perform their most elementary duty to the nation which had voluntarily elected them to the throne, could undoubtedly have been effected a century earlier.

The Catholics were not yet satisfied with their work. To the complaints of the Protestants as to the disregard of old laws and of solemn guarantees of religious freedom, they retorted by quoting other ancient enactments enjoining the burning of heretics.² Laws were passed in the same session providing for the re-establishment of the Jesuits (sec. 20), and "with a view to the maintenance of concord and public tranquillity," it was ordained that none but Catholics should be allowed to own property in Croatia, Slavonia, or Dalmatia (cl. 23).

Having converted Hungary into a hereditary dependency of Austria, Leopold now thought it worth while 1689. seriously to set about the task of expelling the Turks. All Europe was at war, and Louis XIV. had his hands too full to render much assistance to the Sultan, while Austria could rely on the help of Poland, Venice, and the German Princes. It seemed at last as if nothing could prevent a victorious march to Constantinople and the incorporation of the Balkan provinces in the realm of the Habsburgs; but at the critical moment the death of Pope Innocent XI., who gave millions to the Christian cause out of gratitude for Austria's exemplary treatment of the heretics, deprived Leopold of his most important supporter. Thököly, freed from imprisonment at Belgrade, had again started, more or less successfully, on the war-path; but by the end of 1690 Louis of Bavaria had made Transylvania too hot to hold him. Though he

¹ With the aid of men and money contributed by all Catholic countries.

² *E.g.* 1525, iv. "Lutherani etiam omnes de regno extirpentur, et ubique reperti fuerint per ecclesiasticas, verum etiam per saeculares, personas libere capiantur et comburantur."

returned again the following year, and destroyed half of the imperial army, and in spite of the fact that the child Michael Apaffy II. was nominally recognised as Prince of Transylvania, that country was practically reduced, by the end of 1698, to the position of one of the hereditary provinces of Austria. The appearance on the scene of Eugene of Savoy (the importation of capable foreigners was always a necessity for Austria down to the days of Metternich and Beust), led to the final overthrow of the Turks and their expulsion from all parts of Hungary with the exception of the Banate of Temes. Leopold was, however, too much occupied with the task of securing his succession to the throne of Spain to follow up his victory and to carry out ambitious plans in the Balkan peninsula. Peace was therefore made at Karlo-^{1699.} vicz and signed by Leopold as Emperor only, which showed his opinion of the effect of the laws of 1687, and that he now considered it unnecessary to ask Hungary's opinion as to the terms of peace, though the law of 1681 bound him to do so. The Palatine, Eszterházy, made no attempt to render effective such rights as were left to Hungary, and for the rest of his reign Leopold did not think it necessary to go through the form of convening the Diet. Every department of State was germanised. The parts beyond the Dráva recently occupied by the Turks were not rejoined to Hungary, and Croatia and Slavonia were governed directly from Vienna. Kollonics was all-powerful, and under him Hungary was reduced to a position similar to that which it occupied during the Bach *régime* of a later period. The counties nominally retained their independent organisation, but in reality were mere tax-collecting agencies. Kollonics was not yet satisfied, and suggested to Leopold the advisability of introducing foreign settlers, especially Austrians, "in order that the kingdom, or at least a large part of it, may be gradually germanised, and that the Magyar

blood, accustomed to revolutions and disturbances, may be diluted by the admixture of a German element.”¹ His whole policy was, in fact, directed to this one end : to the ejection of the Magyars from Hungary. In pursuance of this scheme new German communes were established in many parts of the country. Buda received an almost entirely German population, as did Esztergom, Várad, Eger, Fejérvár, in fact, all the chief towns recovered from the Turks ; and the Saxons of Transylvania had such privileges conferred on them as their Magyar co-religionaries could never hope to receive.

To this period belongs the introduction of the Servians, 70,000 to 80,000 of whom under their patriarch Arsenius Csernovics took refuge in Hungary. Already in 1495 Servians who had fled from the Turks enjoyed certain privileges,² such as exemption from the payment of tithes ; but hitherto their religion,³ like that of the Jews, had been tolerated but not recognised. Circumstances had now changed, and Leopold “in order that on the very threshold of our kingdom they may appreciate
1691. the mildness and benignity of our rule and government,” secures them in the free exercise of their religion ; allows them to choose their own archbishop, and to build churches and monasteries wherever they please. Further, the patent confirms their exemption from the payment of tithes, and subjects them to no control but that of their own elected magistrates.⁴ This then is the origin of that considerable factor in modern politics—the Servian population of Hungary, established by Leopold with the deliberate intention of introducing a permanent foreign

¹ “Einrichtungswerk des Königreichs Ungarn,” cited in *A Mag. Nem. Tört.* vii. 512.

² Law of 1495, 45. They, originally, did not intend to take up their residence permanently in Hungary.

³ Greek Church.

⁴ The patent is given at length in Marczali's *Enchiridion Fontium*, p. 597 sqq.

element hostile to the idea of Magyar nationality.¹ "He builded better than he knew." To make room for them Magyars were unceremoniously kicked out of their holdings—the intention being to get the land out of Hungarian hands, and so to destroy the influence of the land-owning "gentry," the backbone of county organisation. To give a semblance of legality to the evictions, the so-called Neo-acquistica Commissio was appointed, for the purpose of investigating all titles to land in the re-captured districts, and all landowners were called upon to justify their occupation within six months. Naturally, after the country had been occupied by the Turks for the better part of two centuries, and had been for years the battlefield of Moslem, German, and Magyar, the production of documentary evidence of title was difficult, if not impossible; ² hence, many hundred square miles of land fell into the hands of the Austrian Government and were promptly sold to Germans and other foreigners. Prince Eugene, Caprara, and others who had deserved well of Leopold, were not forgotten, and the grant of enormous estates recompensed them at Hungary's expense for their services to the autocracy.

The reconquered districts offered a fine field for religious intolerance, being for the most part occupied by Protestants whose religion the Turks had looked upon as contemptible rather than blameworthy. The Government's first step was the issue of an order that, henceforth, none but Catholics should be eligible for office in the counties; but as this to some extent failed to effect the desired results, owing to the numerical insufficiency of Catholic candidates, recourse was had to the old and tried expedient of driving out the clergy and confiscating their churches and schools. The next move in the campaign was directed against intellectual freedom, and a rigorous

¹ See Balogh Ernő, *A Magyar Kultúra és a Nemzetiségek*, Budapest, 1908, p. 139 sqq.

² Michael Horváth, *o.c.* iv. 261.

censorship was established under the control of a Jesuit, authorised to suppress any book he might consider pernicious, and to destroy the press that had printed it. Foreign Governments protested against the new crusade, not only on humanitarian grounds, but also for the reason that such proceedings must eventually lead to a fresh revolt. The Viennese Government was ready with a satisfactory explanation. It replied that not 5 per cent of the population of the reconquered districts belonged to the Reformed Church, and that exceptional treatment could not be expected for a numerically trifling body of dissenters. It was not the fault of Kollonics and of his policy of extermination that the statement as to the relative numbers of Protestants and Catholics was a lie.

Taxation was now to give the finishing touch to the ruin which other forms of persecution had been unable to complete to the satisfaction of the camarilla. In the seven years from 1683 to 1690 Hungary was made to pay 30,000,000 florins in taxes, or more than it had paid in a whole century to the Turks. In 1699 the whole of Austria and Hungary paid 10,800,000 florins, of which the latter had to pay 4,500,000, while the hereditary provinces, which were much richer, and had been left comparatively uninjured by late wars, escaped with the payment of little more than 6,000,000. The basis of taxation was fixed without convening the Diet and without consulting any Hungarian as to the taxable capacity of his country.¹ Further, it being the deliberate policy of the War Council

¹ In 1684 an attempt was made to impose a tax of 5,000,000 florins on Hungary in addition to its own expenses for home defence, while Lower Austria, which had never been ravaged to anything like the same extent, was exempted for two years from the quartering of troops. In 1685, though worn and exhausted by the war, Hungary was made to bear 70 per cent of the cost of maintaining the army—Austria 30 per cent. In 1686 Hungary bore 51½ per cent, and in addition had to feed and find forage for the troops which, as they could not get their pay from Vienna, took it out of Hungary.—Horváth, *A Kézds Úgyek*, p. 38 sqq.; Acsády in *A Magyar Nemzet Története*, vii. 522; Michael Horváth, *o.c.* iv. 248.

in Vienna to quarter as many troops as possible outside Austria in order to save the hereditary provinces the expense of their maintenance, Hungary had to find quarters, rations, and fodder for 12,000 horses and for 44,000 men, who were chiefly occupied in the collection of taxes, and were not particular as to what kind of torture they employed in order to compel payment. In 1702 recourse was had to a new method of oppression, and the pressgang was introduced with instructions to collect 20,000 men for use in the war with France from among peasants "having no visible means of subsistence"—in other words, from among those whom Austrian tyranny had reduced to the verge of starvation.¹

In Transylvania the position of affairs was no better than in Hungary proper, in spite of the Diploma Leopoldinum² of 1690 (granted at a time when Thököly, and the fear of foreign interference, forced the hands of the Vienna Government), which guaranteed the religious liberties of the recognised sects, fixed the maximum of taxation, and provided for the convocation of the Diet at fixed intervals, and for the exclusive employment of Transylvanian officials in the management of Transylvanian affairs. Young Apaffy was driven to resign his title of 1701. Prince of Transylvania, and to retire abroad in order that there might be no obstacle to the process of compulsory germanisation which Kollonics proceeded to inaugurate with a complete disregard of the recent Diploma. The taxes were increased far beyond the legal maximum, and the German collectors repeated the brutalities which had made them an object of detestation in the rest of Hungary. Many of the inhabitants fled to escape torture; others took their daughters to the Turks and sold them in order to obtain the money necessary to satisfy the extortions of Vienna. In Transylvania as well as elsewhere the *régime*

¹ Beöthy, *o.c.* i. 518; *A Mag. Nem. Tört.* vii. 526.

² In Marczali's *Enchiridion Fontium*, p. 577 sqq.

of Kollonics had brought about such a state of affairs that an eruption of the volcano was bound to ensue. That it did not come earlier was due to the denationalisation of the majority of the great nobles—the natural leaders of the people, who from motives of self-interest remained blind to the sufferings of their compatriots, and thought only of currying favour with the Court of Vienna. The results of absenteeism soon became apparent. The peasants who had hitherto respected, even if they disliked, their landlords, lost all touch with them, and a Jacquerie on a large scale, winked at by the camarilla, whose policy it suited that the landowners should be exterminated, was the natural result. The homeless and the persecuted, the victims of Vienna and of the Society of Jesus, took to the highway for their livelihood, and the bands of robbers who infested the country assumed such proportions that an organised campaign had to be undertaken for their suppression. These forces of discontent were ready to the hand of any leader who could impress their imagination sufficiently to induce them to drop fighting for revenge or profit and to start a war of liberation.¹ The leader was found in the person of Francis Rákóczy, grandson of a former Prince of Transylvania, and of Count Zrinyi, one of the three Counts who had been executed in 1671 in spite of the promised
 1703. amnesty. The opportunity was afforded by the outbreak of the war of the Spanish Succession.

Rákóczy had been confided in his childhood to the care of the Jesuits with a view to distracting his mind from earthly ambitions ; but the priesthood possessed no attractions for him, and he obtained leave to travel. Unjustly suspected of complicity in the insurrection of the peasants in Transylvania and thrown into prison, he proceeded, on his escape, to justify Vienna's suspicions of

¹ According to Beöthy the last straw was the introduction of the press-gang already referred to.—*o.c.* p. 518.

his reliability. At the start he had but 50 horse and 200 foot, but his name was sufficient to cause peasants and refugees to flock to his camp, and by the end of the year he had 70,000 men and a miscellaneous collection of arms. At first a strong feeling of hostility existed between the peasants and the nobles.¹ In its early stages the rising was distinctly one of the lower orders; but as the movement proceeded it lost, to some extent, its class character, and ended by becoming a national insurrection in which noble and peasant, Catholic and Protestant, alike took part. To Rákóczy's army, though badly armed and suffering from a deficiency of officers, Austria, now deeply engaged abroad, could offer but little resistance. Leopold was in his dotage—more worried about the future of his sinful soul than about that of Hungary; and the spring of 1704 saw Hungarian scouts at the gates of Vienna. In a manifesto² addressed "to all Christian princes and states," an eloquent vindication of the sacred right of insurrection against tyranny, and an unanswerable indictment of the House of Habsburg, which had sworn times innumerable to maintain the liberties of Hungary, but had deliberately reduced its people to slavery, Rákóczy calls God, His saints and angels, and all the civilised world, to witness that he took up arms, not for purpose of private gain or ambition, but in order to liberate his country from the yoke of a perjured and tyrannical dynasty.³ England and Holland,

¹ Rákóczy mentions in his memoirs the difficulty of getting peasant and noble to work together harmoniously. He says that nine-tenths of his followers were Calvinists.—Szalay, *Mag. Tört.* vi. 149. *Mémoires du Prince François Rákóczy*, in vol. ii. of *Histoire des Révolutions de Hongrie*. The Hague, 1739. *Principis Rákóczi Confessiones*. Ed. of Hungarian Academy of Sciences, 1876.

² Dated June 7th, 1703, but Szalay has shown, *Mag. Tört.* vi. 140, n., that it was not issued till the next year. For the text of the manifesto see Marczali's *Enchiridion Fontium*, p. 601: "Ad perpetuam rei memoriam. Recrudescunt inclytæ gentis Hungaræ vulnera," etc.

³ Rákóczy has been accused of ambition, and of playing for his own hand, but it is improbable that ambitious motives would have led him to begin such

which recognised the importance of the movement, saw with concern the enforced division of Austria's forces required on western battlefields, and Stepney, the British envoy at Vienna, was instructed to urge the King to make terms with the insurgents.¹ The camarilla, however, was obstinate, and the news of Heister's success against Rákóczy, and of Prince Eugene's and Marlborough's victory over the French and Bavarians at Hochstädt, made it less inclined towards a compromise than ever.

1705. The following year, in spite of a severe defeat at the hands of Heister at Nagy-Szombat, the insurgents devastated the hereditary provinces, and this fact, and the death of Leopold, who, desirous of making his peace in time with the Almighty by coming to terms with those whom he had so deeply wronged, urged his successor to settle with Rákóczy² on the basis of the recognition of Hungary's historic rights, led to the inception of negotiations.

On succeeding to the throne Joseph issued a manifesto disclaiming responsibility for past errors,³ and announcing his intention of ruling in accordance with the terms of his coronation oath, and of doing all that was in his power to do to remedy the existing discontent. Popular opinion attributed to him an abstract fondness for justice and a desire for reform to which he could not in reality lay claim. He soon became bored with the business of state, and dropped the Jesuits and the Ministers for the more congenial society of ladies who possessed the physical attractions in which his German wife was deficient. So the Government, left to its own devices, required little

an unequal contest with such inadequate forces. He was no soldier of fortune, but the owner of 2,000,000 acres, and a Prince of the Holy Roman Empire, whose wife and child were in the hands of the Habsburgs.—Beöthy, *o.c.* p. 524.

¹ Szalay, *Mag. Tört.* vi. 147. See Stepney's letter to Rákóczy, *Histoire des Révolutions*, etc., i. 241 sqq.

² *Hist. des Révolutions de Hongrie*, ii. 330.

³ According to Beöthy, *o.c.* p. 535, he had negotiated with Rákóczy behind his father's back.

encouragement from Prince Eugene, the chief partisan of the fire and sword method, to induce it to abandon negotiation and to resume the fight. It soon became evident that Rákóczy with his irregulars¹ could not long continue the unequal contest with the trained soldiers of Vienna which the hope of European intervention alone induced him to maintain. The futility of his expectations was proved before long by the offer of Peter the Great to put the Russian army at Joseph's disposal, and by the fact becoming evident that Louis XIV. cared for the cause of Hungary only so far as it served to create a diversion in Austria's rear,² and that no effective support could be expected from him. Rákóczy, therefore, opened negotiations on the basis of the restoration of the constitutional liberties of the country, and of the recognition of the newly-acquired hereditary rights of the Habsburgs. But his offer of peace met with no response, and but for the efforts of Sunderland, sent by England to Vienna with instructions to insist on a reconciliation, the fight would have gone on to the bitter end. The pressure exercised by England and Holland was so far successful that Joseph¹⁷⁰⁶ notified the Powers of his willingness to recognise the constitutional rights of Hungary;³ but he changed his mind when the news came of Prince Eugene's victory over the French at Turin, which left Austria's hands free to deal with the insurgents.

Rákóczy's last move was the convocation of a meeting of nobles at Ónod, who solemnly passed a resolution,⁴ in

¹ He had twenty-five French officers with him, excellent so far as technical matters were concerned, such as artillery and fortification, but they wanted to turn Magyar irregulars into troops of the line, and make them adopt a manner of fighting which was foreign to their habits and nature.—Beöthy, *o.c.* p. 556.

² He for a time subsidised the insurgents to the extent of 50,000 livres per mensem.—Fiedler, *Aktenstücke zur Geschichte, F. Rákóczy*, p. 195. Vienna, 1855.

³ Credentials of the Dutch envoy cited by Szalay, *Mag. Tört.* vi. 313, n.

⁴ *Enchiridion Fontium*, p. 613 sqq. When reproached for issuing his

their own name and in that of their descendants, to the effect that they renounced for ever all allegiance to the perjured Habsburgs. But this was only a paper thunderbolt, and as a kind of counterblast thereto, and in order to give proof in the eyes of Europe of his tolerant spirit and of his devotion to the Constitution, Joseph was induced to summon a meeting of the Diet at Pressburg. His refusal, however, to make any concession in the direction of religious liberty, and the appearance of the plague and of the insurgents, dissolved the Diet before any result had been attained. In the meanwhile Heister had inaugurated a fresh campaign, which began with a notice to all wives and children of the insurgents to leave their homes within
 1708. fourteen days, and ended with the battle of Trencsén—the final blow, as it turned out, to the hopes of Rákóczy, though he made superhuman efforts to raise a new army. Again England interfered and sent Lord Peterborough to Vienna to insist on peace being made; and 1711 saw the end of the long struggle, Joseph having removed all remaining obstacles to peace by dying in the early part of the year.

Rákóczy, who had retired to Poland in order to negotiate with the Tsar with a view to inducing him to intervene on behalf of the insurgents,¹ made a last attempt to prevent the success of the negotiations, which Alexander Károlyi had carried on during his absence, by making an appeal to Hungary to hold out to the last, and protesting against a peace which would “lead to the everlasting slavery and entombment of the once glorious Magyar race.” But all were longing for rest, and the insurgent nobles of

manifesto on the ground that it was likely to bring about reprisals, Rákóczy replied that if the people won, the manifesto could do no harm, and that if they lost, declaration of independence or no, the Habsburgs would massacre them.—Beöthy, *o.c.* p. 486. According to Michael Horváth, *o.c.* iv. 415, Louis XIV. insisted on a renunciation of allegiance to the Habsburgs as a condition precedent to the giving of further assistance.

¹ Fiedler, *Aktenstücke*, p. 197.

Hungary and Transylvania, convened by Károlyi in the church of Szatmár, accepted the terms which he had negotiated on their behalf. Rákóczy was to be allowed to keep his estates and live where he pleased, in Hungary or Poland, provided he took the oath of allegiance to the King within three weeks. A general amnesty was to be proclaimed; widows and orphans of insurgents were to receive back the property of their husbands or fathers, and foreign soldiers, who had taken part in the rising, were to return unmolested to their own countries. Provision was made for the revival of the old guarantees of religious freedom, and the King was to promise "to maintain and hold sacred and inviolate the rights, liberties, and immunities of the kingdom of Hungary and Transylvania."¹ Though the results of the struggle were not so great as those secured by Bocskay and by the Peace of Vienna, in any case they justify Acsády's statement, that they realised the most important point in the national programme. Hungary was Hungary still. Rákóczy, still irreconcilable, retired to Paris, and thence to Turkey, where he ended his days. But his country never forgot him, and popular pressure recently induced the present head of the House of Habsburg to give a tardy consent to the return of his harmless bones to his native land.

¹ Clause ix.

CHAPTER V

1711. THE violent phase of the anti-reformation campaign ended with the Peace of Szatmár. The bankruptcy of the Caraffa-Kollonics system was evident. If Thököly and Rákóczy failed to compel a complete restoration of Hungary's rights, they had, at any rate, given convincing proof of the fact that violence and oppression could never reduce the country to a position of permanent subordination to the hereditary provinces. It seemed as if Charles, the new King, had been long enough absent from Austria to be unaffected by the influence of the Viennese camarilla with its fixed idea as to the necessity of extirpating Protestantism by violent means as the first step towards the compulsory germanisation and absorption of Hungary. "I will strive with the whole force of my soul, in order that my beloved Hungary, which has been tossed and disturbed by so many storms and troubles, may enjoy certain peace, and may be comforted after the heavy blows it has suffered." This, Charles's first manifesto, showed that the lesson of successive insurrections had not been entirely lost, and that there was no intention, for the moment at all events, of attempting a recurrence to the policy of intimidation. But much more than smooth words was necessary to restore to Hungary even a semblance of its former position. The districts recaptured from the Turks required to be reincorporated in the kingdom, and freed from the control of the military and financial authorities of Vienna. The

reduction of taxation was an absolute necessity, and something definite required to be done for the improvement of the material condition of the people, which could never thrive while German soldiers, ill-paid or unpaid, lived on the country. Further, the inalienable right of the Diet to decide all questions of taxation must obtain fresh and unequivocal recognition. The aspirations of the nobles soared no higher than this. They had no idea of the necessity of far-reaching reform, of abandoning the exclusive privileges of the nobility, and of establishing the State on a broader basis. The great nobles had, to a considerable extent, been tarred with the Viennese brush, and were out of touch with the great mass of the people ; but the "gentry" who attended the meetings of the Diet were really representative of popular opinion, and that opinion was overwhelmingly conservative, and, before all, hostile to the introduction of any kind of innovation which might bring with it the infringement of the nobles' privilege of immunity from taxation. The Diploma Inaugurale,¹ the first to be signed since the monarchy had lost its elective character, and therefore regarded as exceptionally important, gave satisfactory guarantees ; but as, hitherto, every Habsburg had systematically violated his oath, too much importance could easily be attached, in forecasting probabilities, to the paper promises of the new King. Like his predecessors, Charles undertook, "firmly and sacredly," to preserve and maintain, and to see that all others of whatever rank or position did the same, "all the liberties, immunities, privileges, statutes, common rights, laws, and customs," conceded and confirmed by previous kings ; and more especially the Golden Bull, with the exception of the clause permitting armed resistance ; to keep the Sacred Crown in Hungary, and to reincorporate all the districts recovered from the Turks.

¹ Incorporated together with the coronation oath in Law i. of 1715.—Marczali, *Enchiridion Fontium*, p. 687 sqq.

The crown now being hereditary, the King bound all possible successors to swear before coronation to observe the terms of this diploma, and guaranteed the revival of the ancient elective character of the monarchy in the event of his leaving no male heir—a matter of great importance to Hungary, in view of the fact that at the moment Charles had no son, and seemed unlikely to have any. Further, the law of 1715, in which the diploma and the coronation oath are incorporated, formally reaffirmed Hungary's right to be governed solely in accordance with its own existing laws and those which might thereafter be passed by the Diet. The maintenance of historic rights and constitutional liberties seemed, therefore, to be sufficiently guaranteed, though in reality, as subsequent events proved, Charles had no more intention than any of his predecessors of allowing inconvenient promises to interfere with the introduction of innovations or with the establishment of dynastic continuity.

The King's experience in Spain had taught him that war was no longer what it used to be; that it had become more scientific, and required a better organisation than that provided by the Banderia of the nobles or the *levée en masse* in time of necessity. He therefore induced the 1715. Diet to consent to the establishment of a standing army,¹ and to vote the taxes necessary for its maintenance.² This new institution was, naturally, unpopular with the taxpayers, who not only had to find the money for the soldiers' pay, but—a still greater burden to an agricultural population which had by no means recovered from the

¹ 1715, Art. 8, "regulata militia tum ex natis tum externis constans."

² Though the principle of a standing army was adopted, Hungary did not bind itself to find either a fixed number of men or a fixed sum of money for their maintenance. Both were to be fixed from time to time as occasion required. The nobles, in consenting to the innovation, were apparently influenced by the consideration that the establishment of a permanent native force would relieve the country from the extortions and brutalities of the German mercenaries.

effects of the late wars and disturbances—was obliged to provide quarters, rations, and forage for 15,000 men, who, if they did not get what they wanted by asking, took it by force. So the new army was no more loved than the imperial troops, which were still quartered on the country, not for fear of a Turkish invasion, the alleged reason, but in order to prevent the possibility of a fresh Hungarian rising—now as ever the bugbear of the Viennese bureaucracy. The nobles as well as the peasants soon discovered that they had cause for complaint. Though in one respect the authority of the Diet was undisputed, for neither men nor money could be raised unless voted "*diaetaliter*," they found that the control of the force which they had brought into existence was vested in the Austrian Council of War, and that reiterated demands for the establishment of a Hungarian War Office to deal with the new Hungarian troops were persistently disregarded. Apart from the risk involved in the institution of a permanent army controlled by the Viennese bureaucracy, the nobles had another reason for feeling nervous as to the outcome of the new experiment. Their immunity from taxation had hitherto been justified by the obligation to perform military service, and though the law of 1715 expressly maintained the right of the King to call upon all classes to serve in case of necessity, the establishment of a standing army practically nullified the obligation and destroyed the justification for exemption.

As regards religious questions, the position of affairs was far from being satisfactory to the Protestants. Charles's long stay in Spain had saturated him with the spirit of dogmatic intolerance, and his whole reign consisted of a series of acts of injustice and partiality though not of open persecution. His idea was to root out heresy without scandal to Europe, and he considered that the object in view could best be attained by subjecting the Protestants

to petty annoyances, by refusing to allow churches to be built in certain districts, and by restricting the rights of citizenship and membership of trading guilds to Catholics. Scandal was not entirely avoided, and Frederick William of Prussia, actuated either by charitable motives or by the idea that Hungary might produce some useful recruits for his corps of grenadiers, instructed his Ambassador in Vienna¹ to do what he could to help the Protestants, and to promise an asylum in Prussia for such as cared for the *febile migrandi beneficium*. Possibly Prussian mediation had some effect, but it is probable that the desire to obtain Protestant support in the matter of the succession to the throne was the real cause of the adoption of milder methods, and of the issue of an order forbidding the sequestration of churches, the ejection, on religious grounds, of Protestant tenants by Catholic landlords,² and the separation of parties to mixed marriages (1722-23). Catholic annoyance at these concessions found its expression in the application of a sort of tyrannical Test Act. It was decided to exclude Protestants from the exercise of legislative functions and from the holding of all offices by insistence on the taking of an oath containing a reference to the Virgin and saints, refusal to take which rendered the recalcitrant liable to fine and imprisonment. Passions became so inflamed, and the relations between Catholics and Protestants were strained to such a degree, that Charles finally had to interfere and annul the sentences passed on the non-jurors. Section 30 of the law of 1715 declared that the King confirmed the laws of 1681 and 1687 (which, as has been seen, nominally put the two religions on a footing of equality) "for the present"; Calvinists

¹ See his letter to Canngiesser.—*A Magyar Nemzet Története*, vol. viii. p. 121, n.

² Landlords entertained the opinion that he who paid the piper was entitled to call the tune; that they were justified in compelling their tenants to conform to the religion of their lord, and in refusing to allow churches built on their lands to be used by members of a heterodox sect. "Cujus regio, ejus religio."

and Lutherans were therefore sitting on a volcano which was liable to eruption at any moment. A committee was appointed in 1721 to decide all matters of dispute ; but the demands of the Catholic clergy were of such an outrageous nature that the King could not accept them, and was compelled to reserve the decision of debated questions. The result of his deliberations was embodied in the so-called Carolina Resolutio, published ten years later.¹ The Protestants as a body are thereby deprived of their right of appeal to the King in case of illegal oppression ; so, while the principle of toleration is nominally maintained by the Resolutio, they are in reality stripped of their only defence against persecution (cl. 9). Apostates, especially those who, having originally been Lutherans or Calvinists, have joined the Catholic Church and have subsequently apostatised, are to be severely punished (*gravi arbitraria poena*) by the civil magistrates (cl. 5). Protestants are obliged to observe the festivals of the Catholic Church and to take part in the usual processions (cl. 8). The oath to the Virgin and saints is to be taken by all judges, advocates, and officials, but witnesses are to be allowed to take the ordinary oath to the Father, Son, and Holy Ghost, "in order that the course of justice may not be delayed" (cl. 9). Mixed marriages may be celebrated only by Catholic priests (cl. 7), who of course threw every possible obstacle in the way of their celebration, and exacted a promise that all children resulting from the marriage should be brought up in the Catholic religion. The rights of the landlords to interfere in the religious affairs of their peasants are maintained, but in case of any alteration in the established practice approval of their actions must be obtained from the King as Defender of the Faith (cl. 4). The result of the edict in question was that the peasant had no legal protection in the exercise of his religion, and that his right to pray, to marry,

¹ 1731, Marczali, *Enchiridion Fontium*, p. 706 sqq.

to christen his children, and be buried, according to the rites of his own Church, was made absolutely dependent on the arbitrary discretion of landlord and King, *i.e.* on the discretion of the landlord if he was a Catholic. Thus it is clear that the sole object of that which was euphemistically described as a "benign" concession to Lutherans and Calvinists, was the maintenance of the outward forms of legality and the extirpation of Protestantism by indirect means and petty persecution.¹

It was evident from the first that Charles had little or no intention of keeping his promises and of respecting the constitutional rights of Hungary. It might be supposed that a full and frank observance of the terms of the Diploma and of the coronation oath would deprive the King of all influence on governmental matters, and of all rights save that of veto; but in reality this was far from being the case. In the first place, article vii. of the law of 1715 made the King himself judge in all cases of *lèse majesté* and treason, and persons accused of those offences could be imprisoned before trial, and so deprived of the protection enjoyed for the last five hundred years in virtue of clause 2 of the Golden Bull and of clause 4 of the Act of 1231—the excuse for the innovation being the alleged necessity of avoiding "the most dangerous consequences arising from the formality of citation" before a Court of first instance. In the second place, apart from his position as head of the Church, which involved the right of appointment to all ecclesiastical offices and the complete control of all ecclesiastical educational establishments, the

¹ *A Magyar Nemzet Története*, vol. viii. p. 147, gives several instances of the way in which Protestants were dealt with: *e.g.* a drunken Protestant cut off the nose of a crucified Christ which a boy was carving. Condemned to death. Sentence commuted by the King to three years' hard labour. A Lutheran peasant was visited on his death-bed by a Catholic priest. The dying man by accident or design let the sacred wafer fall from his mouth. After death his body was dug up and burnt, and the ashes were scattered. His wife and daughter were obliged to swear that they had not induced the committal of the offence, and *then* were fined fifty florins. Sentence confirmed by the King.

King appointed every official of state (with the exception of the Palatine and the guardians of the Sacred Crown) down to the humblest clerk—a privilege which gave him immense influence, more especially on the Upper House, the members of which were to a large extent holders of official positions, and on fortune, place, and title hunters, who naturally had their eye on the King, the sole fountain of honour and distributor of emoluments. Moreover, the frequency and duration of the sittings of the Diet depended almost entirely on the royal will, as well as, to a large extent, the choice of subjects for discussion. Further, the employment of the proceeds of taxation and of other sources of revenue was a matter solely for the determination of the King, who also decided all questions relating to the imposition of import and export duties, and to the raising of loans, without reference to the Diet. Every Hungarian matter, even the resolutions of the Diet, had to run the gauntlet of the Viennese bureaucracy before they reached the King. The want of independence, in spite of oft-repeated guarantees, was especially noticeable in military and money matters. The Financial Board, established in 1715, controlled the entire finances of Hungary as well as of the hereditary provinces; consequently, the supposed financial independence of the Hungarian Treasury, guaranteed though it was by innumerable laws, became more of a myth than ever, as every act of that institution was reported to and controlled by the Viennese Board, of which it thus became a mere subordinate branch-office. Only one Hungarian found a place on the Financial Board, and the “reporter” for Hungarian matters was a German. The Council of War did not contain a single Magyar member. Practically, the Palatine was the only surviving representative of the old *régime*, and even his influence had been greatly reduced in spite of legislation specially directed to its preservation. In military matters the control of the Palatine, who in

former times had been the commander-in-chief of the national forces, had entirely disappeared. He was no longer the direct intermediary between the nation and the Crown, his functions, as such, being performed by the Hungarian Chancery sitting in Vienna. His Council was no longer the chief authority in executive matters, and he was reduced to the position of a mere representative of the King in his quality of president of the new Council of Lieutenancy and of the highest Court of Justice. Nicholas Pálffy, who held the office from 1714 to 1731, was an old man and a tool of the Viennese bureaucracy, and when he died no successor was appointed—a direct contravention of the law. The government of the country was carried on by the King through the medium of the Hungarian Chancery, which consisted of the Chancellor, the Vice-Chancellor, and twelve councillors, whose functions comprised the “nullification of everything which might conduce in any way to the curtailment of the royal power and dignity, and, on the other hand, the preservation in their integrity of the royal rights, privileges, and prerogatives, the execution of the King’s commands, and the maintenance of the system and laws of the country.” Nominally it was its duty to maintain the constitutional rights of Hungary, but in reality it did little more than transmit the royal instructions to the corresponding officials in Pressburg, and submit the resolutions of the Diet for confirmation by the King. As the worldly prospects of the members of the Chancery depended on their ability to keep on good terms with the King and the Viennese authorities, they would have been more than human if they had thought of nothing but the maintenance of the Constitution. True, they were asked their opinion on all matters which concerned Hungary, but it depended entirely on the King’s discretion whether effect was given to their advice or not. Though the laws of 1569 and 1715 affirmed their complete independence of all other

authorities, their position was in reality one of complete subordination and empty magnificence.

The chief organ of government was the Council of Lieutenancy established by the law of 1723, articles 97, 101, and 102 of which define the sphere of its activity. Though it was expressly declared to be independent of all other governmental departments, and to have the right of communicating directly with the King without interference on the part of the Viennese bureaucracy, the fact that its twenty-three members were appointed and paid by the King, and not by the country, was not conducive to independence. The Council had no originating or executive power ; its duty was to "cause the resolutions of the Diet to be carried out by those whose business it was to see to their execution," and to receive the reports and presentments of the county authorities. Like the Chancery, it could make recommendations which the King accepted or disregarded as he chose ; consequently, its actions were condemned to sterility from the start. Though it was divided into five sections dealing respectively with ecclesiastical, educational, military, economic, and general matters, as a large proportion of its members were Catholic ecclesiastics it is not surprising to hear that "its only serious business was the oppression of the Protestants."¹

The position of affairs was no more satisfactory in Transylvania than in Hungary proper, though the rights and liberties of that country had been specially confirmed by the Peace of Szatmár. The only matter of importance discussed at the annual meeting of the Diet was the amount of taxation to be voted ; and practically all power was vested in the Transylvanian Chancery in Vienna—like its Hungarian counterpart a mere organ for the transmission of royal orders. Though the three recognised religions were nominally on a footing of equality, the Catholic, being that of Vienna and of the King, naturally

¹ *A Mag. Nem. Tört.* viii. 73.

got the upper hand. In 1699 the Catholics, in contravention of the Diploma Leopoldinum, obtained an order from Vienna to the effect that of candidates for government appointments at least one must be a Catholic, and that at least half of the members of town councils and trade guilds must also be of that religion. Consequently, Transylvania, which had been the first country in Europe to adopt the principle of religious equality, lost its special characteristic, and the influence of the Romish clergy and of the King gave a religious tinge to all questions, and did much to diminish the spirit of loyalty to the dynasty which had never been conspicuous for its intensity.

In Hungary proper the smooth words used by Charles on his accession had not failed of their effect, and the loyalty shown by the Magyars to an alien dynasty at this and at all subsequent periods can only excite the amazement of those who have some knowledge of the history of Hungary since 1526. The words were not followed by deeds tending to alleviate the existing distress. For centuries the normal condition of the country had been one of war. Four times within a few years the population of Debreczen had been dispersed to all quarters of the kingdom.¹ The country was full of robbers; discipline of all kinds was hopelessly relaxed, and landlords were not only unable to collect their dues, but were exposed to the reprisals of any tenants who considered that they had old scores to pay for religious or other reasons. Peasants left their holdings and migrated to the lands vacated by the Turks in southern Hungary, where the Ten Commandments were temporarily in abeyance and there were no landlords. The want of labour was severely felt in the deserted districts, and the land went out of cultivation. The Treasury soon felt the result of the departure of the taxpayers. In 1715 the Government decided to re-enact the old laws forbidding the migration

¹ *A Mag. Nem. Tört.* viii. 98.

of peasants without the express consent of the landlords ; and in 1718 impressed on the latter the necessity of treating their tenants well and of assisting them financially till a succession of good harvests had put them on their feet again.¹

Neither materially nor from the point of view of the restoration of its constitutional rights can Hungary be said to have received the promised "comfort." How little Charles intended to be bound by his obligations is best shown by the fact that within a few months of signing the Diploma Inaugurale, which provided for the revival of Hungary's elective right in the event of the extinction of the male line of the Habsburgs, he began to take steps to abolish that right, so far as possible, for ever. In 1703 his father, Leopold, had made a so-called *Hausgesetz*—*Pactum Mutuae Successionis*—confirmed by will in 1705, by which it was provided that the testator should be succeeded by Joseph and his sons, whom failing, by Charles and his sons ; and that should the latter have no male issue, the succession should go first to Joseph's daughters and then to those of Charles. From the moment of his succession Charles had no intention of being bound by any such arrangement, and at once began to take steps to secure the succession, in default of male heirs, of his own daughters (should he have any), to the exclusion of Joseph's daughters (Maria Josepha and Maria Amalia), who obviously had superior rights to any which any possible female issue of Charles might claim. In any case it was to the interest of all that the question of the succession should be arranged before the death of Charles with a view to the prevention of internal dissension and foreign interference, and his subjects were not slow to recognise the fact. As early as March 1712 the Croatian

¹ The Vienna Government always claimed credit for humanitarian motives for its interference between landlord and tenant, but a study of the cases in which it interposed makes it clear that interference was invariably prompted by motives of financial self-interest.

Diet busied itself with the matter, no doubt on receipt of a hint from Vienna, and with a view to emphasising its loyalty at Hungary's expense, and requested the royal confirmation of a resolution to the effect that Croatia accepted as its ruler whatever person might succeed to the possession of the hereditary provinces of Austria.¹ As is shown by the terms of his reply to the resolution, Charles himself clearly recognised the fact that as Croatia formed part of the dominions of the Sacred Crown of Hungary, the resolution was *ultra vires* and of no possible effect; but all the same it gave him a useful start, and a lever for use with the other constituent peoples among whom the Magyars were the only important, and doubtful, factors. A certain degree of nervousness is shown by Charles in broaching the subject with Hungary. In July of the same year a meeting of Hungarian nobles was convened to consider the possibility or advisability of submitting the question of female succession to the Diet. The result was, to some extent, encouraging; but the meeting expressed the opinion that certain conditions must be observed, and concessions made, before the Diet

¹ Salamon, *A Magyar Kirdlyi Szék Betöltése*, p. 36: Croatia at a later date, and its historians (e.g. Horn, *o.c.*), refer to this resolution as a proof of its independence of Hungary; but Croatian representatives to the number of ten were present at the meeting of the Hungarian Diet which accepted the principle of the Pragmatic Sanction on behalf of Hungary and the parts annexed without protest from the Croatian deputies. Further, the Croatian Diet of 1740 refers to the terms of the law passed at Pressburg in 1723 as the governing enactment, and to its own resolution of 1712 only as a proof of ready loyalty; and Maria Theresa, in her rescript to the said Diet, refers only to the Hungarian law of 1723. Salamon, *o.c.* p. 225. In his reply to the Croatian Diet of 1712 Charles mentions the fact that in the event of his having no son the crown of Hungary "and of the parts annexed" will go to the person whom the Hungarian Diet may elect, i.e. that coronation with the Sacred Crown *ipso facto* makes the wearer King of Croatia, etc. (see Csuday, *o.c.* p. 224). Further, the operation of Law i. of 1715, providing for the revival of Hungary's elective rights, is extended to the "*partes adnexae*," and the Croatian representatives raised no objection, which they obviously would have done if they thought that the resolution of March 1712 had any constitutional significance. See Kónyi Manó, *Dedk Ferencz Beszédei*, 2nd edition, Budapest, 1903, ii. 601 sqq.

would consent to abandon its elective rights which now seemed likely to revive in the near future. The question of the contribution of the hereditary provinces to the maintenance of the army, kept in Hungary just as much for the defence of Austria as for that of Hungary itself, must first be settled. Hungary's right to a separate and independent government must be recognised. In the event of Charles's successor being a minor, the Palatine must be entrusted with the regency, and not some Austrian Minister. The future Queen must marry a Catholic, and her husband must be crowned in Hungary. Generally, the historic rights of the kingdom must be properly guaranteed and confirmed. Charles was not at all pleased with the bargaining spirit shown by the nobles, and affected to look upon the whole business as a mere matter for private family arrangement, and as giving no occasion for any negotiation with Hungary, though of course he was perfectly well aware that no *Hausgesetz* had any validity in that kingdom.

On April 19, 1713, the document known as the Pragmatic Sanction¹ was produced at a meeting of the Privy Council in Vienna. It recited the *Pactum Mutuae Successionis* of September 12, 1703, and provided that in default of male heirs the hereditary provinces, regarded as one and indivisible, should descend in the first instance to Charles's daughter, should he have one, and then, in default of male heirs of such daughter, who would succeed, in accordance with the law of primogeniture, to the daughters of Joseph, and lastly to those of Leopold. This arrangement was accepted without demur by the members of the

¹ Kmety, *Magyar Kézjegy*, p. 172, n., says that the term Pragmatic Sanction was that applied by German princes to documents regulating the succession to their principalities. Hubner, *Reales Staats-Lexicon*, cited by Marczali in *A Magyar Nemzet Története*, vol. viii. p. 198, n., says "Pragmaticae Sanctiones sunt Edicta oder Rescripta generalia von wichtigen Sachen, welche zur Erhaltung der allgemeinen Wohlfahrt so wohl in Polizysachen gehören und von der höchsten Rathscollégiis aufgesetzt werden."

Council, but neither they nor Charles attempted to conceal the fact that, though the hereditary provinces had neither right nor power to object, Hungary was under no obligation whatever to give effect to a mere family compact, more especially in view of the Diploma Inaugurale of 1712, which expressly recognised the revival of the right of election in the event of Charles having no male heir. A considerable amount of discussion therefore followed as to the advisability of convening the Diet, and as to the possibility of inducing it to consent to the abandonment of its elective rights. Eventually, fear of Magyar opposition, and the fact that all hope of male issue had not yet been abandoned, led to a decision to postpone for a time the taking of any decisive step. A son was in fact born in April 1716, but he died the same year, and it was not till September 1718 that the birth of Maria Theresa provided the desired heir. In order to get rid of the superior claims of Joseph's daughters, Charles married Maria Josepha to the Elector of Saxony, who later became King of Poland, and Maria Amalia to the Elector of Bavaria, and made both of them, before betrothal, renounce all claim to the Habsburg succession.

The ground being thus cleared, it was now time to obtain the formal recognition of Maria Theresa as Charles's heir by the various provinces of Austria. Beginning with the line of least resistance, the consent of Upper and Lower Austria was secured without difficulty; and in fact the Tyrol was the only province to show any serious inclination to object. In the case of Hungary no such obsequiousness could be anticipated. The Palatine was commissioned to win over the chief nobles; the Archbishop to square the ecclesiastics; and the Chief Justice to deal with the "gentry," from whom the greatest amount of opposition was expected. The arguments of Charles's agents were supplemented with lavish promises

of titles, money, and promotion. The same procedure was adopted in Transylvania, though in reality there was no reason for so doing, as, constitutionally, that country formed an integral part of the domains of the Sacred Crown of Hungary, and possessed no separate elective rights.

The Palatine addressed himself first of all to Francis Szluha, an old insurgent under Rákóczy, and a man of great influence, and asked him what the price of the Diet's consent would be. Szluha returned evasive answers: pointed out the possibility of Charles having a son, the impossibility of forecasting the action of the Diet in view of the number of the unremedied grievances of which it had cause to complain, such as the failure of the King to reincorporate in Hungary the districts recovered from the Turks, the burden of taxation, the neglect of Magyars in the matter of official appointments, and the exclusive employment of Austrians. He drew attention to the fact that the Diet had, in 1687, accepted the hereditary principle as regards the male line on the distinct understanding that Hungary would be better treated, and that its rights would be respected, with the result that it had been worse treated than ever. But in spite of these objections and of the fact that the general opinion of the country showed itself to be distinctly hostile to the proposal, the leading men, both in the Upper and in the Lower House, including the recalcitrant Szluha himself, were so easily won over that there is justification for the belief that in reality there never was any doubt as to Hungary's acceptance of the principle of female succession, and that the only question was what guarantees could be obtained in return for the abandonment of a constitutional right. The Diet met at Pressburg on June 30, and ^{1722.} though the King's summons¹ contained no reference to the question of female succession, no doubt every member

¹ Kovachich, *Supplementum ad Vestigia Comitiorum*, iii. 432.

was aware of the reason for its convocation. Szluha opened the discussion with an ingenious speech¹ on the subject of the necessity of peace and quiet, which could be guaranteed only by a settlement of the question of the succession to the throne. He pointed out that discord and a separation of Hungary from Austria would only have the effect of reopening the door to the Turks, and ended with an appeal to sentiment—to the notorious loyalty of the Magyars, another proof of which would win the admiration and applause of the whole world. The proposal was accepted almost without discussion, and it is fair to doubt whether the success of the Viennese Court should be ascribed entirely to Szluha's oratorical powers. The distribution of rewards in money and money's worth which followed gives colour to the supposition that other agencies were at work besides eloquence and assurances that the acceptance of the principle of female succession in no sense involved a diminution of Hungary's independence.²

By the laws of 1723, which gave effect to the resolution of the Diet in favour of accepting the principle of hereditary succession in the female line, the King "first and before all, and without any previous humble petition of his faithful States and Orders in that behalf, promises to maintain all the said States and Orders of his hereditary Kingdom of Hungary, and of the Parts, Kingdoms, and Provinces thereto annexed, in all diplomatic³ and other rights, liberties, privileges, immunities, customs, prerogatives, and laws hitherto granted, established, and enacted, and to be enacted"⁴ by the present and future

¹ Salamon, *A Magyar Királyi Szék Betöltése*, p. 149 sqq.

² Szluha was made a baron and received 20,000 florins; Stephen Nagy, 24,000; and many others lesser sums.—Beöthy, *o.c.* p. 713.

³ *I.e.* referred to in the Diploma Inaugurale of 1712.

⁴ Recognising the fact that no change is made as regards the immemorial equality of Diet and King as legislative factors and of the former's powers of initiative.

Diets (Art. 1). In its turn the Diet "proclaimed by free and unanimous vote" its acceptance (failing male issue) of the principle of female succession to the throne of Hungary and of the Parts, Kingdoms, and Provinces pertaining to the Sacred Crown. The order of succession is to be the same as that established in the hereditary provinces, which are at the same time declared to be inseparable¹ (subsec. 3). Hence it follows that whatever male or female descendant of the specified members of the House of Habsburg becomes entitled, according to the law of primogeniture, to the possession of the hereditary provinces, he or she, necessarily and *ipso facto*, becomes entitled to the Crown of Hungary and of the Parts, Kingdoms, and Provinces inseparably thereto annexed (subsec. 4). Should Charles have no male issue, the succession devolves, first on his daughter and her legitimate Catholic descendants; then on Joseph's daughters and their issue; lastly, on the offspring of Leopold's daughter in accordance with the law of primogeniture, and in conformity with the new Act of Settlement obtaining in the indivisible and inseparable hereditary provinces of Austria, which, together with Hungary and the Parts, Kingdoms, and Provinces thereto annexed, form the hereditary possessions of the House of Habsburg (sections 5, 6. 7). All succeeding kings or queens, as the case may be, are to guarantee and confirm, on the occasion of their coronation, the liberties and prerogatives of Hungary as confirmed by Charles's Diploma Inaugurale and by the laws of 1687 and 1715 (subsecs. 9 and 10), and will maintain the same inviolate (Art. 3, sec. 1). The King not only confirms and promises to maintain inviolate all the rights, liberties, privileges, immunities, prerogatives, laws, and approved customs of Hungary, but will cause

¹ *I.e.* the Austrian provinces are not to be partitioned among the members of the House of Habsburg, as had been done in times past, but are to form an indivisible whole just as Hungary and the parts thereto annexed—Transylvania, Croatia, etc.—are an indivisible whole.

the same to be observed by all his subjects of whatever rank or condition (Art. 3, sec. 2). The eleventh section of the second article makes the express reservation that on the extinction of the descendants of Charles, Joseph, and Leopold, "the ancient, approved, and accepted custom and prerogative of the States and Orders in the matter of the election and coronation of their King shall revive."

These laws formed a new contract between Hungary and the House of Habsburg,¹ and were regarded and accepted as such by both parties. They form the basis of their relations down to the present day in spite of the *coups de canif*, not to say the tearing to tatters, to which they have been subjected by successive kings, and of repeated attempts to read into them a meaning which they cannot possibly bear. They in no sense form a contract between Hungary and Austria. They in no sense bring them into closer contact than had hitherto existed. Though the elective nature of the Hungarian monarchy had been recognised by Ferdinand I. and by every one of his successors, Hungary had, as a matter of fact; invariably exercised its right of election in favour of the person entitled by right of heredity, or by virtue of a family compact,² to the possession of the hereditary provinces of Austria. Apart from the question of female succession, from the point of view of Hungary's relations with

¹ Not, it must be observed, between Hungary and the hereditary provinces (as Tezner declares it to be, *Die Wandlungen der österreichisch-ungarischen Reichsidee*, p. 66 sq.). The laws of 1723 do not differ, as regards their essential character, from any other laws passed by the Diet and sanctioned by the King, and strictly maintain their validity only until abrogated by a similar law similarly sanctioned, "*legibus in futurum diaetaliter constituendis*," as Law iii. of 1715 puts it.

² As in the case of Mathias II. Deák points out that, but for the Pragmatic Sanction, when Charles died in 1740, Hungary would probably not have elected Maria Theresa, but would have put an end to the Habsburg connection, as both the French Court and Frederick the Great were anxious to weaken Austria, which could best be done by severing its union with Hungary.—Kónyi, *Deák Ferencz Beszédei*, iii. 41.

Austria, the laws of 1723 amount to no more than to an affirmation of the indivisibility of the hereditary provinces on the one hand, and of the indivisibility of Hungary and its dependencies on the other, and of the indissolubility of the union of Austria and Hungary, which exists for defensive purposes only, and is a necessary consequence of the identity of the monarch of the two countries. Should the identity of the Austrian monarch and the King of Hungary cease, the union between Austria and Hungary *ipso facto* comes to an end, and Hungary is again free to elect its king. Thus, the union between the two countries is a purely personal one, depending on the existence of an individual qualified to combine in his person two distinct characters, and in no sense amounts to unification. On the contrary, Hungary's distinctive and independent position *vis à vis* Austria, and its historic rights, privileges, and laws, receive fresh and express recognition and confirmation. That is the *quid pro quo*. The recognition of its complete independence is the consideration for the, possibly temporary, abandonment, or rather suspension, of its constitutional elective right so long as legitimate Catholic issue of certain specified persons shall exist. If any contract has any definite meaning the import of this particular compact is clear, namely, that the full and frank observance by members of the House of Habsburg of their obligation to observe and respect the laws and Constitution of Hungary in all their details is a condition precedent to their right to the Sacred Crown. Their obligation is not merely moral, it is contractual. If it were otherwise the Diet would merely have passed a law accepting the principle of hereditary female succession without reference to the Diploma Inaugurale and the laws of 1687 and 1715 in particular, and all other the kingdom's rights, laws, and prerogatives in general.¹ No

¹ The consequences of combining the main point of the Pragmatic
VOL. I O

new rights and privileges were conferred on Hungary by the Pragmatic Sanction, or by the laws of 1723. The latter, the only enactments connected with the question of the succession of which Hungary has official cognisance, the details of which, in fact, differ from those of the Pragmatic Sanction,¹ are, apart from the above-mentioned question and that of the duality of the monarchy, or the personal union of the two countries involving the obligation of mutual defence,² merely a reaffirmation of rights,

Sanction in the same law with a reaffirmation of Hungary's independence was pointed out to the King by a member of the Council before he confirmed the law ("Reflexiones in Articulis," quoted by *A Mag. Nemzet Tört.*, viii. p. 222). Springer, however, does not hesitate to say that since 1526 Hungary was "a province of the Habsburgs just like every other crown-land."—*Grundlagen und Entwicklungsziele der österreichisch-ungarischen Monarchie*, Vienna, 1906, pp. 8, 18, 19. Tezner states that the reaffirmation of constitutional rights which Hungary was careful to obtain, applied only to the nobles' immunity from taxation (*Der österreichische Kaisertitel*, etc., Vienna, 1899, pp. 36 and 45, n.). He says the same of Law x. of 1790-91, *o.c.* p. 36, the heading of which "De independentia Regni Hungariae partiumque eidem annexarum" would alone almost prove the erroneousness of his view apart from the phraseology of the law itself: "Hungaria est regnum liberum et relate ad totam regiminis formam . . . independents."—See *infra*, p. 232.

¹ It is noticeable that the law of 1723 does not mention the Pragmatic Sanction in order to avoid any appearance of dependence on Austria or recognition of the validity, as regards Hungary, of a document which, in fact, affected the Austrian provinces only. The Law of 1715, iii., which says "nec status et Ordines Regni eadem Sacra Regia majestas secus regi aut dirigi vult quam observatis propriis ipsius Regni Hungariae hactenus factis vel in futurum Diaetaliter constituendis legibus," being subsequent in date to the Pragmatic Sanction, is complete proof that the law of 1723 was entirely independent of the Pragmatic Sanction, which differs from it, in the first place, owing to the fact that its promulgation was an act of an uncontrolled autocrat, while the law of 1723 was the act of the elected representatives of a nation confirmed by a constitutional king. Secondly, the Pragmatic Sanction gives the right of succession to all female members of the House of Habsburg, "alle abstammenden Erben des Geschlechts," while the law of 1723 confines the right to the descendants of three specified persons. This fact alone suffices to disprove Lustkandl's statement that the law of 1723 was a mere registration by the Diet of the terms of the Pragmatic Sanction (*Das ungarisch-österreichische Staatsrecht*, 1863, p. 226 sqq.). Further, there is the fact that while Hungary's right of election revives in a certain event no such right is reserved to the hereditary provinces.—See Deák's, *Adalék a Magyar Kézjoghoz*, Pest, 1865, p. 56 sqq.

² As obviously the King of Hungary must defend the Archduke of

privileges, and customs which had existed for centuries, which every King in turn had sworn to observe and respect, and a declaration of the indivisibility of the realms of the Sacred Crown—Hungary, Transylvania, Croatia, Dalmatia, and Slavonia. The Habsburgs gained by the contract, as now that their hereditary right to the throne of Hungary was acknowledged, their realms for the first time presented to Europe the appearance of a strong, united monarchy—a matter of considerable importance, and a compensation for the loss of prestige involved by the fact that a female Habsburg obviously could not become a Holy Roman Emperor, and that, consequently, only the possession of the crown of Hungary could assure her status *vis à vis* other royal houses.

Austria, and *vice versa*, though the law does not in fact refer to the obligation of defence. No obligation is imposed on Hungary of joining Austria in a war of conquest not necessary for the preservation of the territorial integrity of the realms of the King and Archduke. Charles's proposal bears this out: "Ut adversus omnem externam vim et quosvis etiam motus internos salutare inveniatur statuaturque remedium, eaeque necessariae diaetaliter fiant dispositiones ut per vicinam et amicam cum reliquis Regnis et provinciis nostris haereditariis divinitus nobis et Augustae Domui nostrae subjectis cointelligentiam et unionem publica quies, pax constans et inper-turbata, ac in quemvis casum optata Regno tranquillitas in aevum perduratura stabiliatur." No doubt, as Bidermann says (*Geschichte der österreichischen Gesamt-Staats-Idee*, Innsbruck, 1889, ii. p. 51), Charles's object was the "gesetzliche Begründung einer Vereinigung" but the Diet accepted "das Mittel, liessen aber den eigentlichen Zweck damit unerfüllt." Count Virmont declared Charles's object to be "a fusion of and an indivisible 'Aneinander-hängen' of all provinces and hereditary kingdoms, with the object of *mutual and reciprocal defence*" (*ibid.* p. 56). Certainly "cointelligentia" is not the word which would be chosen to indicate the existence of the *real* union which Lustkandl and his disciples see in the law of 1723. Deák cites the fact that during the minority of the King of Hungary the Palatine is his guardian according to Law ii. 1485, confirmed by i. 1681, v. 1715, and *after* the Pragmatic Sanction by ix. 1749 and v. 1790, whereas in Austria the guardianship devolves on the Emperor's nearest paternal relation (Kónyi, *Deák Ferencz Barátsái*, iii. 41). Further, Austria being a member of the German Empire, and later of the German Confederation, was obliged to take part in a defensive war with the other members, but Hungary not being a member was under no such obligation—an inconceivable position if a real union of Austria and Hungary existed.

Save for the final conversion of the monarchy from an elective to an hereditary one, and for the definitive establishment of the principle of duality, the reign of Charles is memorable only on account of the victory of Prince Eugene at Petervár, the capture of Temesvár, and the final ejection of the Turks from Hungary, one result of which was the completion of the organisation of the military frontier begun some twenty years earlier. The defence of the frontiers was entrusted to Slav refugees, Servians, Roumanians, and Germans, who in return for military service enjoyed exemption from taxation. They were commanded by Austrian officers who were responsible for their acts only to the King and to his Council in Vienna, and so were entirely withdrawn from Hungarian control, though the land they occupied strictly formed part of Hungary, and should have been reincorporated therein in accordance with the King's solemn undertaking to maintain the territorial integrity of the kingdom.¹ The existence of an organised foreign military force directly dependent on Vienna was naturally regarded as a standing menace to Hungarian independence, more especially as all danger of Turkish invasion, the only excuse for the maintenance of a special military organisation, had finally disappeared.²

Maria Theresa gave the same constitutional guarantees before coronation as her father had given, and throughout her reign of forty years made few direct attacks on the rights and liberties of Hungary. The process of germanisation took a new and more subtle form, and violent anticonstitutionalism was replaced by an attempt to kill the spirit of nationality by kindness. The Queen was

¹ The coronation oath, "*Fines regni nostri Hungariae et quae ad illud quocumque jure aut titulo pertinent non abalienabimus nec minuemus sed quoad poterimus augebimus et extendemus.*"

² The abolition of the force and the reincorporation of the frontier districts was continually demanded by the Diet henceforward down to 1848, but in vain.

animated by a sincere desire for the welfare of the country, but, at the same time, entertained the ineradicable conviction that that welfare consisted only in assimilation to, or fusion with the hereditary provinces of Austria. She relied to a considerable extent, and with success, on the effect of her personal appearance, and of the idea of having a woman for their King, on the chivalrous and susceptible Magyars. She early recognised the fact that the Hungarians, if properly treated, formed the one solid and reliable support of her throne ; and the readiness with which they responded to her demands for men and money more than answered to her expectations during the hard times of the war of the Austrian Succession, when no one in Europe believed that the monarchy could maintain the form in which Charles had left it, and paper plans for its partition, and speculations as to its future, were as rife as they are to-day. In view of the simultaneous attacks by Prussia, France, Bavaria, and Spain, it certainly looked as if the gloomy prognostications of complete dismemberment would be justified ; and the fact that, after eight years of fighting, Maria Theresa was able to conclude peace with honour, and with no greater loss than that of Silesia and of a few districts in Italy, while, on the other hand, the Pragmatic Sanction obtained complete recognition, was due in a great measure to the freedom with which Hungary spent its blood and treasure in a cause which was, at the most, only partially its own, and on behalf of a dynasty which had no claim whatever on its gratitude. Conscious of its own importance as the chief constituent element of the monarchy, more especially now that the connection with the Holy Roman Empire had temporarily ceased, Hungary was more able and more disposed than hitherto to take a firm stand in defence of its Constitution ; and the enthusiasm evoked by the young Queen on her coronation was insufficient to make the Diet forget its

unremedied grievances, or to omit to insist upon its undoubted rights. It is a mistake to suppose that the oft-quoted and lauded words, "*moriatur pro rege nostro Maria Theresia*,"¹ showed that at the moment of their utterance, and till then, Hungary was all loyalty and devotion to its Queen. As a matter of fact, throughout the year which elapsed between her accession and September 21, 1741, the date on which those words were uttered, there had been a considerable amount of acrimonious discussion, friction, and bargaining. There was the natural fear that in the probable event of Francis of Lorraine, Maria Theresa's husband, obtaining the imperial crown, Hungary might lose its position as the most important factor in the monarchy, and again be looked upon by Vienna as a mere appanage of the House of Habsburg. It was desired to limit Francis's right of interference in Hungarian affairs as much as possible, and in order to emphasise the fact that Maria Theresa was the only recognised King of Hungary, and that Francis was only her consort, the Lower House refused to allow him to be crowned simultaneously with his wife. The instant the coronation was over the Diet gave bitter expression to its grievances, and to its hatred of foreign interference; so, while giving every credit to the Magyars for the enthusiastic generosity of their promises, and still more for the manner in which they redeemed them,² we must not forget that the old insurrectionary spirit was only dormant—sleeping, moreover, with one eye open. The fact that it did not wake to active life was due

¹ The phrase really used was, "*vitam et sanguinem pro domina et rege, corona et patria nostra*," or "*vitam et sanguinem consecramus*."

² The *bona fides* of the cry "*Vitam et sanguinem*" is shown by the fact that, before the end of the year 1741, Hungary had 80,000 men-in-arms, exclusive of the frontier garrisons.—Beöthy, *o.c.* p. 724. In 1751 the Diet increased the military tax, amounting to 2,500,000, by 700,000 florins, and then was abused by the Queen for its stinginess. Further, during the Seven Years' War the Counties voluntarily found 52,000 more men.—Csuday, *o.c.* ii. 250.

chiefly to Maria Theresa's personal charm, and to the tact of Pálffy, the newly-elected Palatine.

In the dangerous position in which the Queen found herself, the Diet had little difficulty in exacting a declaration that both within and without the limits of the kingdom Hungarians should have the exclusive control of Hungarian affairs, and a recognition of the complete independence of the Hungarian Treasury, Chancery, and Council of Lieutenancy, and of the obligation to fill all official posts, whether secular or ecclesiastical, by the appointment of suitable Magyars. The indivisibility of Hungary and Transylvania obtained fresh recognition, and special grievances, such as the prolonged existence of the Neo-acquistica Commissio,¹ and the right claimed by the Crown, and several times exercised, of imposing taxation behind the Diet's back by virtue of the eighth section of the Act of 1715,² on the pretence that war was imminent, were remedied by law. In all these questions the Diet must have our entire sympathy, as it did no more than reassert its undoubted rights; but its action in the matter of taxation served only to prove once more the selfishness of the governing class, which affected to believe that the abolition of its privilege of exemption from taxation would entail the ruin of the country and the extinction of its independence. The nobles forced the Queen to consent to a fresh legal affirmation of their exemption and privileges, as defined by their champion, Verbóczy, two hundred and thirty years ago, and to a declaration that the payment of taxes was a personal obligation of the peasant in occupation of land,

¹ *Supra*, p. 165.

² It provided that "in the extraordinary case of an unexpected hostile irruption" not admitting the ordinary method of procedure, the Palatine, Primate, members of the High Court of Justice, and as many barons, prelates, and representatives of the counties and free towns as can be got together, shall be summoned to deliberate and decide as to the amount of the financial contribution to be made by Hungary, if they consider one to be necessary, and not for any other purpose.

and not a charge on the land itself: for if it were the latter, any noble who came to hold land hitherto occupied by a tax-paying peasant would *ipso facto* become liable to taxation, and the exemption of the nobility would become a thing of the past.

After this exhibition of egotism the Diet had no opportunity of showing its fighting powers for eight years, as the war gave the Queen a tolerable excuse for omitting to convene it; but when it met again in 1751 the old grievances were ventilated anew: the burden of excessive taxation, the oppression, extortions, and general misconduct of the soldiery, and the unfairness of the Austrian customs regulations, framed with the deliberate intention of excluding Hungarian corn and cattle. The Queen would give no promise of doing anything to lighten the burdens which were crushing the country,¹ and the disgust generated by her refusal was intensified by her demand that representation and voting rights should be given to certain new privileged towns, the inhabitants of which, almost exclusively German, would naturally use their votes in the interest of their benefactress, and so would increase the control of the Court on a body which was already far too subject to its influence. The Diet refused its consent to Maria Theresa's demand, also to the request that Hungary should make a fixed contribution to provide for the interest on a proposed State loan of ten million florins—a refusal which found its justification in the fact that Hungary had never received the slightest benefit from any loan raised by Austria for public purposes. The attempted taxation of ecclesiastical property, a side attack on the cherished exemption of the nobles, was also successfully resisted, and the only result of the manœuvre was that it drove the Catholic priests, who had hitherto been on the side of the Court, into the arms of its Protestant opponents,—a

¹ Though she admitted in her rescript of February 16, 1754, that the existing tariff system was unfair.

consummation which no amount of legislation on religious questions could have effected. So things went on much as before ; the country had still no idea of the necessity of any real reform ; defence of class-privileges was still the main object of the Diet, whose sessions in 1751 and 1764 were, except for some patchwork, parish-pump legislation, practically barren of results.

That the Diet should have adopted a defensive, almost hostile, attitude is not surprising. Maria Theresa had no notion of the meaning of constitutional government. She openly stated her view that "when a royal rescript is under discussion in the Diet, the States and Orders have not to consider the question of the advisability of what is demanded of them, but only the method in which the royal requirements are to be met."¹ Her idea, and that of her Minister, Kaunitz, was that everything should be done mechanically, by word of command, according to Prussian pattern ; and not content with the importation of foreign notions, the Queen imported foreign officials to carry them out, though the law bound her to consult none but Hungarian advisers in all matters affecting Hungary.² From her point of view two matters imperatively required settlement : the provision of a sufficient army, and, its consequence, the adoption of a proper system of taxation. On neither of these questions could Maria Theresa expect anything but hostility from Hungary.³ The first necessity, therefore, was to get rid of Magyar statesmen, who, though personally loyal to the throne, were patriots according to their lights—defenders of the Constitution first and courtiers afterwards, and to

¹ Arneth, *Maria Theresa*, quoted by Beöthy, *o.c.* p. 601.

² 1741, xi. "Tam intra quam extra regna."

³ Maria Theresa originated the policy of germanising the army. Only German words of command and Austrian flags were allowed to be used. The spirit of Magyar nationality was to be suppressed or discouraged, and driven into the background as much as possible, and the army subjected in all details to the control of the Vienna Hofkriegsrath.

substitute creatures of the Court, tools of a would-be-autocracy. Count Paul Festetics, who throughout the sittings of the Diet had supported the Queen's policy through thick and thin, was entrusted with the task of elaborating a scheme of reform of the relations of landlord and tenant. Since 1715 the lot of the latter had become harder than ever; for now that the liability of the nobles to military service had ceased in fact, though not in theory, the peasants not only had to provide the recruits for the standing army, but also had to bear the whole burden of the taxation necessary for its maintenance. So between the demands of the landlord and those of the state the country population was in an unenviable position. The more the landlord took the less remained for the Treasury; and this is the sole explanation of Viennese interference in the Hungarian peasant question. Humanitarian motives were entirely absent: the desire for the punctual payment of taxes was ever present; consequently, Vienna has no more claim to our respect than the nobles have who clung with such tenacity to the principle that the poor must be taxed in order that the rich may go free. When, during the session of 1764, Maria Theresa made a demand for increase of taxation, the question of lightening the peasants' burden was raised; but the Diet would not even consider it, and the remarks of a liberal-minded ecclesiastic were drowned in laughter.¹ The result of the Diet's obstinacy was that in 1765 the Queen, on her own initiative, issued an order regulating the relations of landlord and tenant, the main result of which was that the current scale of dues and payments was thenceforth regarded as the maximum to which the landlord was entitled, and that any attempted increase justified the aggrieved party in appealing to the Queen.² Thus, the peasant was, for the first time, brought directly in contact

¹ Marczali, *Enchiridion Fontium*, p. 797.

² See Acsády, *A Magyar Földművelés Története*, 362 sqq.

with the Crown. The peasants were again allowed to migrate, and their obligations were made proportionate to the size of their holdings. In return for every allotment¹ of, roughly, twenty-three to forty acres of arable land according to the district in which it lay, and ten to eleven of pasturage, the peasant was obliged to do fifty-two days' work per annum with a cart or plough, or one hundred and four without one, in addition to a certain amount of wood-cutting, cartage, and beating for game. One-tenth of all produce belonged to the Church, and one-ninth to the landlord, to whom an annual poll tax of one florin was also payable. In the case of a lawsuit between the landlord and tenant the Manorial Court was still the court of first instance, but an appeal lay to the County Court, in which the county lawyer was bound to undertake the peasant's case. These slight improvements of the peasant's position, which still gave him little or no protection from the arbitrary exercise of the landlord's authority, the principle of governmental interference between landlord and tenant, and the legal recognition of an authority superior to that of his lord, convinced the nobles that the country was going to the dogs, and the peasants that complete emancipation was intended. The inability of the peasant to understand any form of liberty which did not entail the immediate abolition of landlordism, and the conviction that the good intentions of the Queen were concealed and thwarted by a malevolent aristocracy, led to a refusal to do forced labour, and to the outbreak of an epidemic of disorder which had to be forcibly suppressed, and incidentally strengthened the position of the nobles *vis à vis* the Queen, who had not the slightest desire to bring about a social revolution. No further legislation was attempted with a view to the improvement of the peasants' lot. The new system was

¹ A *sessio*, or allotment, could be divided into two, four, or eight parts, and the dues and services apportioned.

simply disregarded in many districts, and did not receive general application till ten years had passed.

One great benefit was conferred on Hungary by Maria Theresa.¹ By charter of 1779, Fiume and the surrounding district were incorporated in Hungary; and thus was realised the long-cherished desire of the Magyars to have their own outlet to the sea—a convenience which was rendered all the more necessary by the burden imposed by the unfairness of the Austrian customs regulations and by the excessive dues imposed on Hungarian produce in transit. The result of having its own port was that Hungary again became a wheat-producing and wheat-exporting country, whereas for a long time past its trade had been almost entirely confined to the export of cattle, which had to pay a heavy duty at the Austrian frontier. Corn also was heavily penalised except during war time, when the duty-free export of the wheat required by Austria for its troops was kindly allowed. The loss of Silesia, the chief manufacturing district, made it a matter of vital importance to Austria to foster its remaining industries. The desired object could best be attained by rendering Hungarian and foreign competition impossible by means of tariff barriers, and by compelling Hungary to draw exclusively on the hereditary provinces for all its requirements.² The duty on Hungarian manufactures exported to Austria was raised in 1774 from, roughly, eleven to twenty per cent,³ and a heavy duty was also imposed on all raw products which Austria itself was capable of producing.⁴ The export of Hungarian cattle

¹ In addition to the reincorporation of the parts beyond the Máros, the last district to remain in Turkish hands.

² Michael Horváth, *o.c.* v. 240 *seq.* The commercial relations of Hungary with Austria and the outside world were under the exclusive control of the Viennese Commerzien-Rath, established in 1746, which numbered no Hungarian among its members. Thirty to sixty per cent duties were imposed on all foreign goods imported into Hungary which Austria was capable of producing.

³ *Mag. Nemzet Tört.* vol. viii. p. 321.

⁴ The export to foreign countries of Hungarian raw materials which

to Carinthia was prohibited, and, climax of absurdity and undue preference, no Hungarian wine was allowed transit through Austria to foreign countries unless the exporter shipped at the same time an equal quantity of Austrian wine. In order to make the competition of Hungarian cloth factories an impossibility, those in Austria were provided with capital by the State at three per cent interest, and the free importation of skilled foreign workers was allowed. Every branch of Hungarian trade was at a very low ebb by reason, in a great measure, of the obstacles thrown in the way of the export of its surplus products, and owing to the fact that Hungary was surrounded by countries which produced the same kinds of raw material as it provided. Consequently, the complaint of Austria that the Magyars did not bear a proper share of the expense of the monarchy was not well founded, for Hungary's taxable capacity was vastly inferior to that of its neighbour, and was at the same time unduly depressed by the stepmotherly treatment to which Hungarian trade interests were subjected. It was Maria Theresa's opinion¹ that as the richer classes in Hungary enjoyed an immunity from the taxation to which those in Austria were liable, it was only fair that the latter country should be commercially favoured at the expense of the former. The result was that Hungary was treated as if it were a colony which existed only for the purpose of exploitation by the mother-country, and its export trade sank to an almost hopeless level.

By nature as well as by education the Queen was as Austria required was either prohibited or rendered impossible by the imposition of such high export duties that the producer had no alternative but to sell to Austrian consumers at a price far below that obtainable elsewhere.

¹ Influenced by Adam Kollár's book (1764), attacking the principle of the nobles' immunity and advocating an equitable system of direct taxation for all classes. The outcry against the book was so strong that Maria Theresa had to order its withdrawal from circulation (Michael Horváth, *o.c.* v. 211). She forgot that owing to the unfair tariff system Hungary indirectly paid a large proportion of the taxation which was nominally paid by Austria.

intolerant in religious matters as any of her predecessors. Though her struggle with Protestant Prussia was not calculated to make her look with a favouring eye either on Lutherans or on Calvinists, the genius of statesmanship with which nature had endowed her occasionally proved stronger than the spirit of religious fanaticism. The difficult circumstances which surrounded her at the beginning of her reign compelled recognition of the magnitude of the risk which acts of intolerance would surely entail. Nevertheless, the inward struggle between the statesman and the fanatic continued uninterruptedly, and it was at all times uncertain which of the contestants would gain the upper hand. At first she expressed her intention of following her father's example, and refused to receive Protestant deputations; but when the French and Bavarian armies were only a few miles distant from Vienna she changed her mind as to the advisability of exhibiting an intolerant spirit, only to change it again so soon as the threatening danger had passed. Thenceforward she openly identified herself with the party of persecution. The question of the oath to the Virgin and saints, as a condition precedent to eligibility for office of any kind, was still as burning as ever, and on Christmas Eve 1742, as a message of peace and goodwill to all men, she issued a rescript announcing her inflexible resolution to maintain the objectionable ordinance. Only when the impossibility of finding a sufficiency of Catholic candidates for office in certain districts became evident did she change her mind, and then only to the extent of admitting Protestant candidature in case of absolute necessity. The minor authorities naturally took their cue from the Court, and the confiscation of schools and churches was almost as common an event in Maria Theresa's reign as in any previous period.¹ Special permission had to be

¹ As many as two hundred were confiscated during this reign, *A Mag. Nemzet Tört.* viii. 331.

obtained to build school or church, and the unauthorised inception of the work of construction entailed severe punishment. The Protestant clergy were fined if they failed to notify from the pulpit the approach of Catholic festivals, and licence to work on a saint's day had to be obtained from a Catholic priest. Apostacy from the Romish faith was severely punished : both converter and proselyte were fined and imprisoned if of the better class, and a long term of penal servitude was the penalty imposed on poorer offenders. It was only when the Queen wanted the co-operation of the Protestants for the execution of her plans of reform that some concessions were made. Pope Benedict XV., fearing reprisals on the part of Frederick of Prussia if Maria Theresa's system of persecution was carried too far, advised her to be more tolerant ; but the recognition by his successor, Clement XIV., of her right to the title of Apostolic King was intended, and served, as a direct incitement to oppression. By refusing to allow any form of higher education to be given in Protestant schools she thought to compel the more intelligent to attend the Catholic establishments ; but her manœuvres were attended with little success, except in the case of nobles ambitious of distinction or office, to which apostacy was the easiest and most certain road.

Notwithstanding the above facts, it must be admitted that Maria Theresa was animated by a genuine desire to raise the general level of instruction. Hitherto the education of the people had been almost entirely in the hands of the Jesuits and of the monks, and the Queen's intelligent advisers were not slow to perceive that little could be done until the exclusive control of religious obscurantists was abolished.¹ The suppression of the

¹ The laws of 1715-74 and 1723-70 reserved to the Crown the control of all schools, and the latter indicated the Council of Lieutenancy as the educational authority. It confined its activity to the restriction as far as possible of non-Catholic establishments.—Marczali, *Enchiridion Fontium*, p. 717. The German language was made a compulsory subject in all seminaries, and a

Society of Jesus by Clement XIV. was by no means
 1773. approved by Maria Theresa, but it was the best thing
 that ever happened for the cause of education in Hungary,
 as the property of the Jesuits was utilised for instructional
 purposes, and all classes profited without distinction of
 creed. The control of all educational establishments
 from university to village school was placed in the hands
 of the Council of Lieutenancy; the country was divided
 into eight educational departments, and the programme
 of every school was arranged according to the language
 and level of intelligence of each district. The Ratio
 1777. Educationis¹ provided for the establishment of schools
 of three grades: National schools for those who intend
 to be agriculturists, artisans, or "fathers of families";
 grammar schools for future National School teachers, and
 for those intended for business or for the army; and
 Academies "*severioris literaturae*," in which "*disciplinae
 sublimiores*," philosophy, jurisprudence, theology, and
 medicine "*a viris lectissimis explanantur*." Further, the
 High School of Nagyszombat, formerly in Jesuit hands,
 was transferred to Buda and converted into a university—
 "*emporium quoddam artium ingenuarum et scientiarum ubi
 licebit audire viros celeberrimos*." The Protestants, who
 could not forget the recent persecutions, naturally looked
 upon the whole scheme with distrust, and thought they
 saw the old wolf under a new disguise; but their
 suspicions were not justified, for the Ratio Educa-
 tionis constituted a serious attempt to promote the
 educational welfare of the whole nation, not only of a
 single religious sect, and the subsequent renaissance of
 Hungary, and the consequent maintenance of its indi-
 viduality, was largely due to Maria Theresa's zeal in the
 cause of learning.

knowledge of it was essential to all candidates for public, civil, military, or
 ecclesiastical employment.

¹ See Marczali's *Enchiridion Fontium*, 718 sqq.

"I am a good Hungarian," wrote the Queen in 1778, "and my heart is full of gratitude towards that people." She proved the fact by leaving the Constitution under a glass case; "it fared like old shields and coats of mail . . . the ancient panoply was thrown aside to rot in lumber-rooms or be exhibited as part of an idle pageant."¹ The office of Palatine was for a long period left unfilled,² and the Diet was summoned only three times in the course of forty years. But perhaps the severest blow she inflicted on the cause of Magyar nationality was the encouragement she offered to the great nobles to settle in Vienna and to enter the Government service.³ This, and matrimony with Austrian ladies, widened the gulf already existing between the aristocracy and the "gentry." The former became denationalised, forgot its native language, and looked with contempt on its own country which supplied the absentees with the means of living a life of idle magnificence in Vienna, where they spent the money which would have been better employed in the country of its origin. Hungary found some compensation in the fact of the consequent development of the class of lesser nobles, of the "gentry," for whom country business provided the school in which they acquired the experience of public affairs which a later generation employed to such good purpose in the Diet and elsewhere for the preservation of constitutional privileges and of Magyar nationality and characteristics. Neither the insidious favours of Maria Theresa nor her religious intolerance succeeded in undermining the patriotism and *esprit de corps* of the Lower House. However much its members might quarrel amongst themselves on questions of dogma, as soon as their constitutional rights, or, it must be added, pocket interests, were attacked, their solidarity was unbreakable.

¹ Hallam, *Constitutional History*, i. 157.

² For fifteen years from 1765.

³ Michael Horváth, *o.c.* v. 179-94.

Attempts to interfere with their control of taxation were doomed to failure from the first, and attacks on the impregnable rock of county organisation were so evidently useless that they were not even attempted. The younger generation might, perhaps, have been seduced from its allegiance to the national party if a military career had been open to it; but promotion to the higher grades was reserved almost exclusively for Germans, and the fact that a knowledge of the German language was essential for admission to the commissioned ranks, deprived the Queen of the services of many Magyars in whom the hatred of that tongue was ineradicable. Such national literature as there was was in Latin; but dog-Latin was an inefficient medium for the conveyance of modern political and scientific notions, so the Magyars were confronted with the alternative of either learning German or of developing and improving their own language. The first to point out the necessity of polishing and enriching the mother tongue was an evangelistic clergyman,¹ who reproached his countrymen with the neglect of their own language in favour of Latin, which the early kings had introduced of necessity, as in their day it was the only medium of communication between different countries.² But his voice was that of one crying in the wilderness, and Hungary still had to wait a few generations for anything to be done in the desired direction owing to the conservatism of the Magyar, who regarded the use of Latin as the chief means of differentiating the Noble from the peasant.

¹ John Ribiny, *Oratio de cultura linguae Hungaricae*, 1751.

² When St. Stephen introduced Christianity he imported Polish, German, and Italian priests to help him in the work of conversion, who did not lose sight of their own interests. They induced him to believe that now Hungary was a member of the happy Christian family he would do well to adopt the language of the Church in order that they might obtain for themselves the lion's share of political influence. This was the origin of the use of Latin as the language of Government.—Kossuth, *Schriften aus der Emigration*, ii. 159.

CHAPTER VI

JOSEPH II. had already been Emperor of Germany for 1780. fifteen years when he succeeded to the throne of his mother, who had carefully brought him up on the system which "magyarised the princes in order the better to germanise the Magyars." As usual, the exaggerated piety of the mother was the cause of free-thinking in the son. Joseph took Frederick the Great for his model, and resolved to be a crowned philosopher and a benevolent autocrat. In old days birth had been the matter of supreme importance ; later, membership of the Catholic Church had been the passport to preferment ; henceforth education and ability, and a knowledge of the German language, were to be the only qualifications for admission to the ranks of officialdom. Respect for tradition, and the idea that an institution must be good because it is old, became a thing of the past. Religion must be encouraged for the sake of the weaker spirits and in so far as its ministers can be utilised as promoters of the new policy. The pedantic exactitude of Frederick, the great martinet, was to be applied to all branches of the Government service. The Procrustean system of cutting down what was too long and stretching what was too short was to be introduced ; and in order to reduce all as near as possible to the same standard the privileges of the Nobles were to be curtailed, and the peasants and lower classes were to be raised. The unification and simplification of government was Joseph's ideal, which naturally brought

him into conflict with Hungarian conservatism. He hoped in vain that a general development of material prosperity, improvements in local government, in the administration of justice, and in the means of communication, as well as the promise of a career for conspicuous talent, would atone in Magyar eyes for interference with the prerogatives of birth. He made the mistake of supposing that his philosophy could overcome the prejudices of pocket patriotism, which saw in the attempt to abolish class distinctions the spectre of taxation for all—the bugbear of the privileged and the true aim of Joseph's reforms.

One of the earliest acts of the philosopher was to burn 22,000,000 florins' worth of notes and bonds, which his father had put by against a rainy day, on the ground that it was a scandal for a king to hold the promissory notes of his subjects—a harmless piece of theatricalism, and on a par with the action of a banker who would destroy his own note issue and claim to be actuated by altruistic motives. He refused to be crowned King of Hungary, as he would have been obliged to take the coronation oath to maintain the Constitution, rights, and privileges which he was absolutely determined to abolish. In a spirit of toleration, hitherto unknown in a Habsburg, the outcome of a philosophic contempt of dogma, he protested against the traditional policy of persecution; and though he would have liked to secure uniformity in religion as well as in the clothes of its professional adepts, limited his interference to the establishment of his position as head of a Church in the tenets of which he did not believe. The connection with Rome must be weakened, and the Pope's power of interference must be curtailed. Sigismund, Vladislav I., and Maria Theresa had already established the principle that no papal Bull could be issued in the country without the *Placetum Regium*; but Joseph went a step further in announcing that not only every

Bull, but every letter, order, and instruction from Rome must obtain the royal sanction and approval before publication; and that the Bulls "Unigenitus"¹ and "In Cena Domini"² must be expunged. Thus, not only matters of church government, but of dogma also, were subjected to Joseph's control. The relations and communications of the monastic orders with their titular heads were regularised, pilgrimages to Rome were forbidden, and bishops were no longer to swear allegiance to the Pope on the occasion of their consecration. Pope Pius VI. became anxious, and went to Vienna in order to reason with the royal innovator, a step unheard of for the last three hundred years, and one in which the free-thinkers saw a revenge for Canossa. Though the Pope was treated with great respect, he obtained little satisfaction, as during his visit Joseph not only took the precaution of avoiding an interview, but ordered an inventory to be taken as a preliminary to the confiscation of the property of all religious orders which preferred a life of ease and contemplation to the work of ministering to the wants of the poor and the ignorant. At the same time he appointed a commission to inquire into the whole matter of ecclesiastical property, with a view to the establishment of State control, to the more equal distribution of its revenues, and to subjecting it to taxation. The result was a storm of protest. The bishops protested more loudly than any, but the laymen also objected, as ecclesiastics, in virtue of their possession of real property, enjoyed the privileges of nobility, and the nobles saw in the proposal to tax church revenues the thin edge of a wedge intended to be driven into their own most cherished prerogative. The privilege of ignorance was also attacked by the establishment of

¹ Against the Jansenists (1713) and Quesnel's *Moral Reflections on the New Testament*, confirmed 1725.

² A wholesale excommunication of all heretics.—See Marczali, *Magyarország Története II. József Kordban*, Budapest, 1885, ii. 73 sqq.

State-controlled seminaries for intending priests; for Joseph saw in the withdrawal from the influence of the bishop of juvenile ecclesiastics—henceforth to be regarded as State officials and as the mouthpiece of the central Government—the best means of combating superstition and of eradicating the spirit of intolerance.¹ Some of the details of his system of interference were comic rather than beneficial; for instance, his directions with respect to sermons. Women were to be exhorted from the pulpit to abandon the pernicious habits of wearing stays and defrauding the customs house; and the use of candles on the altar was prohibited, not for any ritualistic reason, but for fear of fire.

1781. Soon after his accession the uncrowned King issued an edict proclaiming the complete political equality of Protestants and Catholics, and this was followed a few months later by the *Tolerantiae Edictum*,² which marked a great advance, not only as regards the previous position, but in comparison with that obtaining in the England of the period, not to mention other European countries. "His Majesty being persuaded of the injurious effects of all coercion which does violence to the human conscience, and believing that the greatest benefits to religion and to the State emanate from that genuine spirit of tolerance which is agreeable to the principles of Christian charity," proceeds to break with the tradition of the Habsburgs, which made it incumbent upon them to preserve Hungary's character as a *Regnum Marianum* with the aid, if need be, of the stake, the wheel, and the sword. (Sect. 1) The free, private exercise of their religion is to be allowed everywhere to Lutherans, Calvinists, and members of the Greek Church. (Sect. 2) Wherever there are more than one hundred non-Catholic families they can build their own church (which, however, must have no tower or

¹ Marczali, *Mag. Tört. II. József Kordban*, ii. 173 sqq.

² *Enchiridion Fontium*, 709 sqq.

bells) and may keep their own priest. (Sect. 3) Non-Catholics may hold any dignity, position, and property, both in Hungary and the parts thereto annexed. The sole qualifications for office are henceforth to be merit, capacity, and a Christian life. (Sect 4) No oath is allowed to be exacted the terms of which contravene the religious principle of Calvinists or Lutherans ; and Protestants are no longer to be compelled to take part in Catholic ceremonies. (Sect. 5) The seventh section abolishes the rule that all children of mixed marriages are to be brought up in the Catholic faith. Henceforth, if the father is a Catholic, all the children are to be Catholic ; if he is a Protestant, the males follow the father's, the females the mother's religion.¹ All this was of great importance to Hungary, where, hitherto, a large section, if not the greater part of the population, had recently been excluded from participation in political life, and even from membership of Trade Guilds ;² but it must not be supposed that an end was put to all religious strife by a stroke of Joseph's pen. The Catholic bishops struggled hard to keep open the gulf which divided their country into two hostile camps³—an unpatriotic action in justification of which they referred to the sacred right of oppression conferred by old legislation, a reference which only disgusted Joseph

¹ Sects. 1 and 2 still restrict the public worship of Protestants to certain specified places. Sect. 16 declares that no one shall be fined or suffer corporal punishment for a religious cause. Sect. 10 allows Protestant priests to attend their co-religionaries *even* to the place of execution. The details of the Edict of Toleration supply a sufficient answer to Austrian apologists who try to minimise the amount of persecution to which the Protestants had hitherto been subjected.

² Sect. 5 Edictum Tolerantiae.

³ The reservation as to children of mixed marriages, whereby alone the superiority of the Catholic Church was maintained, gave them the desired weapon. They did all they could to throw obstacles in the way of mixed marriages, and continued to exact, as the price of consent, a promise that all children should be brought up in the Catholic faith. Their power in this respect was not destroyed till 1843-44. They were specially annoyed by the recognition of the contractual aspect of marriage and the consequent admission of the possibility of divorce.

the more with them and it, and made him more resolved than ever to persevere in his abolitionary campaign. The Jews were not forgotten. Hitherto they had been tolerated but not recognised, and had to pay a special tax to justify their claim to existence. Henceforward they were allowed to attend Christian schools and to hire land and carry on trades, whereas up to now the majority had earned a miserable livelihood as travelling pedlars. Joseph wished to abolish the distinction existing between them and the rest of the population, and tried to compel them to shave their beards and abandon the use of distinctive clothes; but the Jews protested, and so the matter dropped, to the relief of the Christians who objected to the abolition of the outward signs of racial difference, almost as much as they objected to Jewish emancipation for fear of the competition of Semitic intelligence.¹

The removal to Vienna, in spite of a howl of protest, of the Sacred Crown (which the Magyars looked upon as the symbol of their national independence) without more ado than if it were the most ordinary piece of personal property,² was an indication of Joseph's contempt for the law when it stood in the way of the execution of his plans, and a proof of his intentions with regard to Hungary. They amounted to nothing less than the recasting of the whole of its social, religious, and governmental institutions.

1782. With a view to the simplification of government the Treasury was united with the Council of Lieutenancy; the Transylvanian and Hungarian Chanceries were amalgamated; and the seat of government was, as reason demanded, transferred from Pressburg to the more central Buda. Joseph refused to recognise any distinction between constitutional Hungary and the hereditary provinces of Austria where his autocratic rights were undisputed.

¹ Marczali, *Mag. Tört. II. József Kordban*, ii. 271 sqq.

² "*Bonum mobile*" was the phrase Joseph contemptuously applied to it.—*Ibid.* ii. Appendix xxii.

Henceforth all feet were to be squeezed into the same shoe. Linguistic uniformity was essential to complete centralisation. Joseph therefore issued an order¹ to the effect that henceforth German was to be the official language of Hungary, and was to be used in all Chancery documents at the expiration of six months from the date of the order. Within three years German was to be exclusively used in the law courts, and ignorance of that language was to entail exclusion from all public employment. Hence, special attention was to be given to it in gymnasium and seminary, and a knowledge of it was made a condition precedent to employment in the humblest educational capacity in the primary schools. Further, German was to be the exclusive medium of instruction in the University. Joseph was mistaken in his estimate of the extent to which German was known in Hungary, and it is easy to imagine the horror of grey-headed officials at the prospect of having to learn a new and repulsive language at their time of life on pain of loss of employment. For Joseph made no secret of his intentions. "If any one does not conform with my desires, the door is open and he can walk out, whether he be a member of the Chancery or the humblest clerk in the county organisation." He was perfectly indifferent as to what people learned provided they learned it in the German language, and to the fact that what may be admirable as a means of education is purely detestable as an end. The measure, which was intended as a direct blow to the spirit of nationality, had precisely the contrary effect to that which was expected.²

¹ Instructions to the Council of Lieutenancy, May 6, 1784: "Alle Provinzen der Monarchie sollen nur ein Ganzes ausmachen, in allen die Kräfte des Volkes auf ein gemeinsames Ziel, *Österreichs Macht*, gerichtet sein."

² Joseph justified his action on the ground that the use of a dead language proved that the national language was deficient, and that a country should not be governed and judged in a language which the majority of the population does not understand—a good reason for the abolition of Latin but not for the introduction of German in its place. See Joseph's edict of April 26, 1784.—Marczali, *Mag. Tört. II. József Kordban*, ii. 385.

It made the Magyars, perhaps for the first time, recognise the importance of language as a preservative of distinctive nationality, and realise the fact that the recognition of the superiority of German as the language of all branches of Government must sooner or later be equivalent to an admission of the right claimed by Austria to the position of predominant partner, of the superiority of the German race, and of the necessity of ultimate fusion therewith. The revival and development of the Hungarian language dates from this period, and the contemporary works of Kazinczy, Báróczy, Bacșanyi, Bessenyei, and Révai are a lasting proof of the progress made within the limits of a single generation.

After making an inventory of ecclesiastical property with a view to its taxation, Joseph proceeded to deal in the same way with that of private owners. A census of the population¹ was begun, and a system of registration of land and house property was instituted with a view to the formation of an estimate of the taxable capacity of the country and of the number of available recruits. A swarm of foreign surveyors descended on the counties, as hateful to the landowners who had to contribute to their maintenance as to the peasants who had to give them unpaid assistance; but owing to the incompetence of the surveyors and the hostility of the population the work was never finished, and the only result was the increase of Joseph's unpopularity.²

The organisation of the counties, the real stronghold of national independence, was the next object of attack. The first step was to get rid of opposition in high places, and to appoint to the most important office in the country

¹ According to Pauler, *o.c.* p. 130, the population was 8,000,000 in 1785. Count Albert Apponyi, in his pamphlet on *The Juridical Relations of Austria and Hungary*, p. 8 n., says that out of the 7,500,000 inhabitants of Hungary, 340,000 enjoyed the rights of nobility as compared with 122,000 in France out of a population of 26,000,000.

² Michael Horváth, *o.c.* v. 397.

Count Christopher Niczky, who was obviously qualified for the post by the fact that he possessed the confidence of none of his fellow-countrymen. Owing to the suspension of the meetings of the Diet, which Joseph never once convened in the whole course of his reign, the counties formed so many uncontrolled *regna in regno*, a fact which was not conducive to the attainment of Joseph's ideal—uniformity of government. The counties must therefore be abolished, and the country must be divided into ten districts, each under a royal nominee, a paid commissioner, or Kreishauptmann, whose sphere of authority was to include all matters relating to taxation, to trade questions, to the registration of land and population, to the relations of landlord and tenant, to the means of communication, to the appointment and dismissal of officials, and to the control and distribution of the soldiery. Not only was every vestige of the old popular elective organisation destroyed at one stroke, but the personal liberty of the subject was at the mercy of the Kreishauptmann, who could arrest any one in the Emperor's name, and could apply direct to him for instructions without regard to the Council of Lieutenancy in which the control of the country was nominally vested. No doubt Joseph was animated by the best motives. With a view to the development of trade he sketched out a whole network of roads, prescribed the regulation of the waterways, and laid special stress in his instructions to the commissioners on the necessity of religious tolerance, of the abolition of the *corvée*, and on the undesirability of encouraging the migration of the country population to the great towns. The fact is that Joseph was born before his time, and that the country was not ready even for the proposed improvements in its material condition, in his advocacy of which the Emperor to some extent anticipated the great reformer of half a century later—Count Stephen Széchenyi. He wished to plant ready-made, full-grown trees, and was too

impatient to cast a seed and leave it to germinate. The only real result of his hasty reforms was the production of a conviction in the minds of the peasants that he intended, and in fact had ordered, their complete emancipation, and that his good intentions and instructions were thwarted and disregarded by a malevolent officialdom, in which they discerned not the protectors of the poor, whom Joseph had wished them to see, but the agents of their natural enemies, the landlords, and of a new and more subtle form of oppression. Consequently, the Jacqueries which followed in certain districts were, in a way, a tribute of gratitude to the imperial liberator whose remissness in suppressing the disturbances gave some colour to the belief that he was not an entirely reluctant spectator of the process of landlord-baiting.¹ The good intentions above referred to were expressed in the order of August 22, 1785, whereby the term serf (*jobbágy*, *Leibeigen*) was abolished, and the peasants' right of migration received fresh confirmation. Henceforth the peasant can marry without consent, and is not controlled in his choice of trade or profession. He can freely dispose of his personal property, cannot be deprived of his tenant right except by legal process, and in case of oppression can claim the assistance of the official lawyer of the district.² All these reforms, beneficial in themselves, were acts of benevolent tyranny realised in total disregard of the laws of the country, and over the head of the sole legal legislative authority. The idea of conferring proprietary rights on the peasants apparently never entered Joseph's mind, but as the body which paid the

¹ Like Stepanovitch, the most heartless and successful of the anarchistic agitators of Russia, Hóra and Kloska, the authors of the Jacqueries here referred to, produced documents written in letters of gold, purporting to contain Joseph's authorisation to the peasants to exterminate the landlords.—Michael Horváth, v. 351, 357; Marczali, *Mag. Tört. II. József Kordban*, ii. 526. See also Jancsó Benedek, *A Román Nemzetiségi Törökülések Története*. Budapest, 1899, 110 sqq., 114, 123.

² Acsády, *A Magyar Jobbágyság Története*, 379 sqq.

taxes and provided the recruits for the army, they were entitled to protection from gross acts of tyranny; and every fresh immunity conferred on them drove another nail into the coffin of the nobles' exemption from taxation, the desire for the abolition of which was the motive for all Joseph's reforms of the relations between landlord and tenant. However great our sympathy may be for the desire of the nobles to maintain their independence and legislative rights, we must admit that they cut a poor figure when they could produce no better justification for the maintenance of a barbaric system and of inequitable privileges than Verbóczy's two and a half centuries' old dicta, and tacitly insisted on the theory that their national individuality could be preserved only by the perpetuation of injustice and class distinction.

If Joseph's reforms had been prompted only by notions of abstract justice, and not by considerations of expediency, he would not have maintained the one-sided system of protection which reduced Hungary to a position of complete economic dependence on Austria,¹ the price of escape from which was complete fusion with the hereditary provinces, and that no patriot was prepared to pay. The desire for uniformity and for the abolition of class and national distinctions was at the bottom of the Emperor's economic policy² as well as of his reform of

¹ In 1785, Joseph wrote to the Chancellor, Pálffy, admitting that Hungary was exploited as a colony, but saying that he would do nothing to remedy its position unless it would undertake to pay more taxes (Beöthy, *o.c.* vol. i. p. 728). It must not be forgotten that the nobles made large voluntary contributions in money, first in 1439, and in men; much less that Hungary had no control whatever of expenditure, and that all proceeds of taxation went to Austria, which never spent a penny on the material or moral welfare of the country from which it annually drew a sum of money out of all proportion greater than that which it provided itself, having regard to the relative taxable capacity of the two countries.

² The "Isolirungs-System," as he himself styled the system of out-and-out protection of Austrian trade interests maintained at Hungary's expense. On the economic relations of Austria and Hungary during this and the preceding period, see Michael Horváth's *Az Ipar és Kereskedelem Története Magyarországon a három utolsó század alatt*.

the judicature and of the criminal law. The jurisdiction of the landlord over his tenant was taken away, and thirty-eight local courts of first instance were established. These were subject to the control of the supreme judicial body, the Court of Seven Judges, whose duty it was, *inter alia*, to select and submit to Joseph the names of candidates for judicial appointments. Henceforward, nobles and peasants were to be tried by the same tribunals, and both classes were to be liable to the infliction of the same penalties—no doubt a great and admirable reform as far as it went, but the punishments prescribed for various offences showed little advance from the humanitarian point of view, and the absence of any idea of the desirability of reforming the criminal, rather than of merely taking vengeance on the offender, is shown by the enormous length of the sentences prescribed for comparatively trifling misdeeds. And here again, the tendentious character of the reform is shown by the number of offences enumerated by the new code which entail the loss of the rights of nobility, and the consequent enlargement of the tax-paying classes.

1788. Joseph paid for the unpopularity of his reforms and innovations as soon as foreign complications arose, and where Maria Theresa found help and enthusiasm, met only with indifference and open hostility when men and money were wanted for the Turkish war, success in which might encourage the Emperor in the prosecution of his centralising policy, whereas a fiasco might afford the opportunity of recovering at least some measure of independence. The distress caused by the slow progress of the war, and the news of the outbreak of the French Revolution, made the probability of a general upheaval of the country greater than ever; more especially when Joseph gave orders that the troops should be employed to collect, by force if necessary, the arrears of taxes which the pauperised population was quite unable to pay. But

the spirit of hostility found its expression, not in any outburst of violence, but in a passive resistance to the demands of the Government, and in a deliberate development of the spirit of nationalism, the outward and visible signs of which were the revival of the national costume, and the universal use of the national language. With the outbreak of the revolution in Belgium came the beginning of the end, and the general collapse of the edifice which Joseph had so laboriously reared. Fearing that he would find another and more formidable Belgium in Hungary, he began the process of climbing down the ladder, and was unable to stop until he had arrived at the bottom. First he issued a decree suspending the work of the survey-commission, followed by the rescript of December 18, 1789 (which it is to be observed is written in Hungarian as well as in German), promising to convene the Diet as soon as the war should be over. Last of all came a death-bed recantation—the withdrawal of the objectionable ordinances, and the destruction at one stroke of the whole work of his reign, excepting only the *Edictum Tolerantiae*.

We have of Our clemency decided to restore the public administration and the judicial system, as from the first day of May next, to the position it occupied in the year 1780 on the decease of Her Most Serene Majesty the widowed Empress and Apostolic Queen Our Mother . . . and now that We are convinced that you prefer the old form of government, and in it alone seek and find your happiness, We make no delay in deferring to your wishes ; and as Our sole desire is for the prosperity of the nations entrusted to Our charge . . . to all the counties of the kingdom, royal free towns and districts, their former legal authority is restored, both as regards matters to be dealt with in general or other meetings and as regards the election of officials. The rest of the ordinances issued by Our authority, which may seem to be contrary to the usual interpretation of the laws, We hereby declare to be suspended, void, and of no effect . . . whereby you will receive an irrefragable proof, and one valid for all times to come, of Our determination to maintain in undiminished force the rights of the Estates in the matter

of legislative authority, which, by virtue of the fundamental laws of the Kingdom is equally divided between the King and the various Estates of the Realm, and to transmit the Constitution inviolate to Our descendants in the same form as that in which we ourselves received it from Our predecessors, in the hope that you will assist the country which implores your assistance by supplying provisions for the troops now mobilised for its security, and by voting of recruits to the extent which you may consider necessary for the carrying out of the campaign during the current year.

Strange irony of fate that the bitterest enemy of the Magyar language should be the first of the Habsburgs to submit to the obligation of addressing his subjects in that idiom, and that the great innovator should be compelled to subscribe to a document containing the plainest possible recognition of the constitutional rights of the Diet as regards legislative initiative, control of taxation, and the fixing of the military contingent. The last clause of the rescript gives complete proof of the success of the policy of passive resistance, and of the impossibility of coercing a country which Maria Theresa found it easy to lead by appealing to its generosity. Whatever one's opinion may be of the wisdom of Joseph's attempted innovations, it is impossible to be blind to the many merits of the would-be reformer, or to withhold one's sympathy from the individual. He chose for his epitaph the words: "Here lies a monarch whose intentions were good, who failed in all his enterprises."¹ A more courtly, but equally just inscription records the fact that "*Saluti publicae vixit, non diu, sed totus.*"²

¹ Michael Horváth, *o.c.* v. 440.

² *A Mag. Nem. Tört.* viii. 464.

CHAPTER VII

THE return of the Sacred Crown to Buda was the signal 1790. for an outburst of joy on the part of the Hungarians, who saw therein the outward and visible sign of their victory, the re-establishment of their Constitution, and the recognition of their historic rights. But their recent experiences were not calculated to make them entirely contented with the prospect of returning to the position of affairs which had existed at the death of Maria Theresa. It was evident that a stronger safeguard was required than that provided by the Pragmatic Sanction¹ against attempts to annihilate the nation's individuality. The law of 1723 was intended to form, and had been looked upon by all as constituting, a contract between the Habsburgs and Magyars; and the deliberate pulverisation of that contract by one of the parties thereto, in the opinion of many, justified the other party as treating the whole compact as null and void, and in returning to the *status quo ante*. It was pointed out that Joseph had succeeded to the throne solely by virtue of that agreement, which had guaranteed the liberties and the Constitution of the Hungarian nation, and that by his disregard of his contractual obligations "the thread of succession had been broken";² whence it followed that the people had recovered its ancient elective rights. This

¹ The term Pragmatic Sanction is used for convenience, though, as has been pointed out, it is not that document but the laws of 1723 which contain the terms of the contract between Hungary and the Habsburgs.

² "*Filum sanctionalis successionis regiae interruptum*."—Marczali, *Az. 1790-91-diki Országgyűlés*, Budapest, 1907, i. 15.

opinion, and the general unrest, was encouraged and fomented by Prussia, which saw with concern the successes of Loudon in Turkey, and was quite alive to the advantage either of securing active assistance in the event of war with Austria, or, at all events, of paralysing the right arm of the Habsburgs by encouraging the Magyars to sulk in their tents. When war seemed unavoidable the Hungarian leaders kept in close touch with Jacoby, the Prussian envoy, and were anxious that no terms of peace should be arranged between Prussia and Austria which did not provide some kind of guarantee of the maintenance of the liberties and independence of Hungary, and new and more certain protection for class privileges. Few, however, went so far as to wish for the deposition of the perjured dynasty, or as to be disposed to shed their blood "*pour le roi de Prusse*."

The Counties addressed themselves with pleasure to the task of destroying the relics of "Josephism." Compulsory German instruction was promptly abolished, and the opportunity was taken for the first time of extending the teaching of the Hungarian language among the non-Magyar population. It is perhaps not to be wondered at that the reaction manifested itself in places in a somewhat exaggerated form. In some Counties the books of the foreign land-surveyors were solemnly burnt. German, *i.e.* non-Hungarian, clothes were either voluntarily laid aside or stripped from the backs of the wearers. A cry was raised for a return to ancient Hungarian manners and customs, to the simple life of "Scythian" ancestors, and for the re-establishment of the ancient relations of landlord and serf.¹ Of all Joseph's innovations the principle of religious toleration alone escaped attack; for the people was convinced of the necessity of putting an end to the disputes which had so long divided the nation into two camps, the hostility of which had lent itself

¹ Marczali, *Az. 1790-91-diki Országgyűlés*, i. 42 sqq.

so easily to exploitation in the interest of alien domination.¹ The immediate convocation of the Diet was demanded, and it was resolved that a failure to convene it within a month should be followed by the suspension of the collection of taxes. The catchwords of the French Revolution, "sovereignty of the people" and the rest, came into fashion, and the establishment of a national army, and the recognition of the nation's right to be heard on the question of making war and peace, was insistently demanded. Both the illegality of interference with old class privileges, and the modern ideas of liberty and equality, provided a basis for an attack on the Habsburg connection. The continuance of the war with Turkey, and the position of Austria *vis à vis* the Anglo-Prussian-Dutch convention, made it essential for Vienna to come to terms with Hungary, which saw the opportunity not only of obtaining security for the maintenance of its historic rights, but of limiting the privileges of the Crown and of establishing a national army which should make a repetition of the brutalities of foreign mercenaries an impossibility. The sudden abolition of Joseph's reforms produced a recrudescence of unrest among the peasants, who discerned nothing but humanitarian motives in the innovations of the past reign. The "Peasants' Decree," issued in certain districts, showed the spirit which animated the Hóras and Dozsas to be still alive, and gave fresh expression to the ineradicable idea that nothing but the malevolence of officials prevented the realisation of the desires of the Liberator-King for the complete emancipation of the oppressed. The proclamation in question threatens extermination of the landlords if they venture to depart a hair's-breadth from the terms of Joseph's edict, as well as of any blackleg peasants who dare to pay

¹ "Qu'on ne craigne pas la révolution dans un pays où il y a six partis puissants qui se détestent, le clergé, catholique, grec et protestant, les magnats, gentilshommes et paysans?"—Le Prince de Ligne to Kaunitz.—Marczali, *o.c.i.* 54.

the rent, or perform the services hitherto incident to the tenure of land. The petition addressed to Leopold II., Joseph's successor, shows hardly any sign of the influence of the French Revolution, and no idea of demanding any form of political rights or anything more than the abolition of the most crying forms of injustice. The requirements of the peasants are limited to the redemption of the feudal dues, the fair division of the *corvée* between the different seasons,¹ the employment of non-nobles in inferior official positions,² freedom from corporal punishment without previous legal condemnation, and a lightening of the burden of taxation. Luckily for the nobles, Leopold was either too busily occupied with external complications, or was too conscientious, to raise a peasant Frankenstein and to utilise the forces of discontent for selfish purposes. Without his interference the nobles were brought to reason by the threat of peasant risings, and consented to the passing of certain measures, based, not on Joseph's decree, for that would have been equivalent to the recognition of the legality of extra-Dietal interference in the internal affairs of the kingdom, but on the laws passed in Sigismund's, Ferdinand's, and Maximilian's reigns, which had abolished the principle of perpetual servitude. The right of free migration, subject to the satisfaction of the peasant's legal obligations to his landlord, was re-established,³ and the tenant's right to fair compensation for unexhausted improvements was recognised. On the other hand the manorial courts were revived, and the *régime* of the stick continued.

It was fortunate for Hungary that one royal innovator

¹ Hitherto the landlord could compel the tenant to do the prescribed forced labour all at once at any period of the year, thus making it impossible for the peasant to prepare his own land for the season's crops.

² E.g. in the postal service.

³ Migration was allowed only at the festival of St. Gregory, *i.e.* before the spring labour begins, and for fear lest whole districts might be depopulated to the detriment of the Government in the matter of taxation (1790-91 Art. 35). This law was the last passed with a view to bettering the position of the peasant till a new era of reform began with the Diet of 1832.

was not succeeded by another of the same type. Leopold had already had twenty-five years' experience of the work of government at Florence, where he had earned the respect and admiration, not only of his own subjects, but of all who had come in contact with him.¹ But Tuscany was not Hungary, and presumably he recognised the fact that the benevolent despotism, based on a well-organised secret police, which had sufficed in the former would, in the present condition of public opinion (the result of the French Revolution), and in view of the threatening nature of the general European outlook, infallibly lead to a national upheaval in the latter. This, rather than any philosophic attachment to the abstract idea of liberty and Constitutionalism, dictated the letter in which he informed Hungary of his accession to the throne and of his intention to maintain the freedom, laws, and Constitution of the country, and to summon the Diet without delay. The lesson afforded by the deathbed recognition by his predecessor of Magyar tenacity of purpose and by the victory of passive resistance made him indisposed to submit to the influence of reactionary bureaucrats who saw in the collapse of "Josephism" the prospective loss of remunerative occupations. The justifiable suspicion with which the Diet at first looked upon Joseph's brother was evidenced by the insistence of the Lower House on the taking of an oath by all its members to the effect that no one would accept any honour, decoration, or present, without the knowledge and consent of the Diet;² and by the contest which raged over the question as to the form which the Diploma Inaugurale should take. By the demand for separate diplomatic representation in the peace negotiations with Turkey, and for a separate Hungarian army using only Hungarian words of command, officered exclusively by Magyars and subject only to the control of a Hungarian

¹ Doran, *Men and Manners at the Court of Florence*.

² Marczali, *o.c.* i. 163.

War Office, a definite attempt was made to give proper expression to the principle of the personal nature of the union between Hungary and the hereditary provinces deducible from the terms of the Laws of 1723. To the former of the two demands the King yielded ; and it is probable that had his relations with Prussia continued much longer to be strained almost to the breaking-point he would have been forced to a complete surrender. Though at the discussion of the terms of the Convention of Reichenbach the Prussians threw over the Hungarians, whose attitude had paved the way for Prussia's diplomatic success, the fact that Leopold felt his position to be insecure is shown by the letter which he addressed to some of the leaders of Hungarian opinion on July 20. "Animated by attachment to the Constitution of the kingdom as interpreted by the Pragmatic Sanction, His Majesty neither desires to infringe the accepted terms of that enactment, nor will he permit the same to be violated by others. His Majesty is not averse to the adoption by the Diet of suitable measures directed to the preservation of the said Constitution in accordance with the dignity of the Crown and the welfare of the country, but at the same time cannot allow that His Majesty's right of succession, based on a fundamental law of the State, the Pragmatic Sanction, should be called in question. . . . The King is prepared to exercise his executive authority in accordance with the laws, but cannot agree to any alteration which is contrary to the spirit of the Constitution of the kingdom." For a moment Leopold entertained the idea of inducing Magyar officers, by promises of reward and advancement, to issue a counterblast to the demands of the Diet, in the name of the Hungarian forces, in the form of a *pronunciamento* protesting their loyalty to the dynasty, and announcing their refusal to be separated in any manner from their Austrian brothers in arms ; but a more effective, if less reputable, means was adopted of showing

the Diet that it could not have things all its own way, and of proving the essential weakness of a body which was only partially representative of the inhabitants of the country, viz. a deliberate incitement to racial dissension. The Servian population was encouraged in the assertion of its demands for territorial separation which found violent expression at a so-called Illyrian congress¹ attended by many Austrians, and among others by the governor of Petervár, who compelled, by threats of imprisonment, the partisans of unity to sign a petition for national dismemberment. Leopold clearly had no intention of giving effect to the separatistic tendencies of the Servians, but thought to utilise them for the purpose of frightening the Diet, which he vainly tried to terrify by an attempt to procure the indictment, on a charge of high treason, of those who had negotiated with Jacoby for Prussian support.² Another useful bugbear was the suggestion of the imminence of a peasant-war with which the officious Press threatened recalcitrant nobles; and, in fact, the attitude assumed in some districts by the lower orders did induce the Diet to adopt a less uncompromising attitude than that which the instructions of certain counties would have justified it in assuming. Thus, it was to a combination of circumstances that the acceptance, after a deal of haggling, of a Diploma Inaugurale, containing practically the same terms as those signed by Charles III. and Maria Theresa, was due. The liberties, immunities, and privileges of the kingdom received fresh confirmation, and the revival of its elective rights in the event of the extinction of the issue of the three persons specified by the Pragmatic Sanction was guaranteed. Further, the acceptance of the terms of this Diploma, and the taking of an oath recognising its validity, was made a condition precedent to the right of Leopold's successors to occupy the throne.

¹ Michael Horváth, *o.c.* vi. 48 sq.

² Schwicker, *Politische Geschichte der Serben in Ungarn*, Budapest, 1880, p. 363 sqq.

Though the Hungarians had to renounce their desires for complete military and diplomatic independence, the meeting of the Diet of 1790 is in any case memorable for the fact that to it is due the strongest expression of the constitutional rights and independence of the country that had ever been put in black and white. The laws then passed suffice, alone, as a justification, if any is required, of the attitude adopted by subsequent generations towards the encroachment of successive monarchs. A new and solemn recognition was obtained from the King of the independence of Hungary and of the parts thereto annexed, and a clear definition of the position occupied by the two parties to the Pragmatic Sanction. The personal nature of the union existing between Austria and Hungary is underlined and emphasised, and the equality of King and Diet as legislative factors is definitely reaffirmed. No change is imported into the relations existing between the two countries, but a clear restatement is made of principles which every Habsburg king, with the exception of Joseph II., had sworn to observe and had consistently infringed.¹ The most important clause of the law passed by the Diet of 1790-1791 is Article 10, which reads as follows :—

¹ Tezner, the most violent modern critic of Hungary's Constitution, asserts in order to get over the obvious meaning of the laws of 1790, that the affirmation of Hungarian freedom and independence is no more than a reaffirmation of the rights and privileges of the nobles as regards exemption from taxation, a "Privilegien Assecuranz," as he styles it. — *Der Oesterreichische Kaisertitel*, pp. 36, 91. An acquaintance with the details of the law in question, a comparison of Article 1 of 1723 and of Joseph's rescript of January 28, 1790, and the fact that Law x. makes no reference to the nobles, only to the "Jura et libertates Regni," and the words of the heading of that law, "*De independentia Regni Hungariae Partiumque eidem annexarum*," should suffice to refute the assertion. Though no special mention is made of foreign affairs and of a separate national army, Idenczy, a renegade Hungarian, a supporter of Joseph's régime and an avowed enemy of the Constitution, wrote a book drawing attention to the effect of the wording of Article 10, "a free Kingdom and independent as regards the whole legal form of government," and logically deducing therefrom, as others have since done, the complete independence of the armed forces of Hungary from the military authorities of Vienna, complete financial independence, and the right to separate diplomatic representation. — *A Mag. Nem. Tört.* viii. 523.

"Hungary, together with the parts thereto annexed, is a free Kingdom, and independent as regards the whole legal form of government, in which term is comprised each and every governmental department; that is to say, it is dependent on no other Kingdom or people, but is possessed of its own separate existence and Constitution,¹ and consequently must be ruled and governed by its hereditary King, crowned according to law, namely, by His Most Sacred Majesty and his successors, Kings of Hungary, in accordance with its own laws and customs and not after the manner of other provinces, as is prescribed by Articles 3 of 1713,² and 8 and 11 of 1741."³

Article 3 provides that in future kings must be crowned without fail within six months of the death of their immediate predecessors, and that until the ceremony of coronation has taken place the royal right of conferring titles and privileges is suspended.

Article 12 declares that His Majesty voluntarily recognises the fundamental principle that the power of passing, abrogating, and interpreting laws is exercisable jointly by the King and the States and Orders of the realm in Diet assembled and not otherwise, and that His Majesty will himself maintain the said legislative rights of the States in full force and inviolate, just as they existed in the time of his predecessors, and will so transmit them to his successors; "assuring the States and Orders of the Realm that the Kingdom and the parts thereof annexed shall never be governed by Edicts or so-called Patents which in any case can never be accepted in any governmental departments."⁴ Further, the King under-

¹ "*Propriam habens consistentiam et constitutionem.*"

² "*Nec Status et Ordines Regni eadem Sacra Regia Majestas secus regi aut dirigi vult quam observatis propriis ipsius Regni Ungariæ hactenus factis vel in futurum Diaetaliter constituendis legibus.*"

³ Guaranteeing the nobles' exemption from taxation (8) and providing that Hungarian affairs shall be managed by Hungarians exclusively.

⁴ "*Judiciis.*" This does not mean law courts, but is equivalent to "*dicasteriis*" as used in Article 10, the technical word for governmental departments.

takes that he will not interfere in judicial matters or in the execution of sentences, and that the executive power shall be exercised in strict accordance with the laws. A meeting of the Diet is to be convened every third year or oftener if necessary in the public interest (Art. 13). The Council of Lieutenancy, as the supreme executive organ, is declared to be independent of all other official departments (Art. 14). His Majesty assures the States and Orders that no foreign language shall be used in any governmental business of any nature whatsoever (Art. 16). Officials are not only to take an oath of allegiance to the King, but are also to swear to observe the laws (Art. 18). No subsidies in money or kind, and no recruits, shall be asked for by the King, even in the form of free gifts or under any other pretext whatsoever, *extra Dietam*, except in the case provided for by Article 22 of 1741;¹ and the amount of taxation required for the maintenance of the standing army must be fixed only by the Diet, and only for the period intervening between two meetings thereof. The taxes payable by Croatia and Slavonia are also to be fixed by the Hungarian Diet (Art. 59).

In one respect the Diet suffered a slight defeat. It was especially anxious to establish its control of the price of salt—a royal monopoly and one of the chief sources of income, the raising of which to an excessive figure inflicted considerable hardship on the lower classes. Article 20 enacts that the price shall not be raised without the consent of the Diet, but the result of the popular victory was nullified by the insertion of the phrase, “except in case of urgency,” which had already done good service in cases where the King wished to perpetrate an illegality. As regards ecclesiastical matters also, the legislation of 1790 was not entirely satisfactory, though some progress was in fact made in the direction of establishing the

¹ In the case of sudden invasion making it impossible to summon the Diet.

principle of religious equality. The Catholic bishops thought it their duty to put matters back, as far as it was possible to do so, to the position in which they were left by Maria Theresa, in order to revenge themselves for the inequality of treatment to which Catholics were subjected in Protestant States, and on the principle that liberty of conscience must necessarily be fatal to the interests of Catholicism. For a moment Leopold was disposed to maintain the Catholic Church in its privileged position, in order to punish the Protestant section which had indulged in a flirtation with Prussia prior to the meeting of the Congress of Reichenbach. Fortunately, however, the great majority of the lay Catholics were animated by a reasonable spirit, which induced them to prefer national unity to the interests of the party of dogmatic intolerance. The King, therefore, withdrew his opposition, and Article 26 was passed, as it declares, "in spite of the opposition of the spiritual lords and of a certain section of the lay Catholics." The Article in question is based on the Tolerantiae Edictum of Joseph II., the operation of which is now extended by the grant of equal rights to members of the Greek Church (Art. 27). Henceforth the Protestants may have the church towers and bells which the above-mentioned edict had denied them; the distinction between public and private religious exercises is abolished, and Lutherans and Calvinists may build as many churches as they please, provided that they can satisfy the members of a mixed commission that there is money enough available to provide for the maintenance of a new place of worship in the district in which they propose it should be erected. In one respect the law is of a retrograde character. Clause 3 of the Tolerantiae Edictum allowed non-Catholics to hold property and office in Croatia, thereby abolishing the restrictions imposed by the law of 1687, which had confined that privilege to Catholics. These restrictions were revived

by the law of 1790-91. But for this fact, and but for the maintenance of the advantage enjoyed by the Catholic Church in the matter of the religious education of the issue of mixed marriages, and for the restriction to Catholic priests of the right of celebrating such marriages, the members of all recognised religions were put on practically the same footing.¹ In any case the Catholic Church renounced the political supremacy it had so long enjoyed with the connivance of the Habsburgs, whose aim it had been to effect the uniformity of their dominions in religious matters with a view to ultimate uniformity in all branches of government.

The equalisation of Protestant and Catholic was important also from the point of view of the reincorporation of Transylvania in Hungary. Hitherto, as the Protestants were far more happily situated in the former country where the Catholic religion had never occupied the dominating position it had held in the latter, they naturally had contemplated with a certain degree of apprehension the possibility of a reunion which might entail the loss of religious freedom. Now that their fears as to the possible consequences of reincorporation were allayed, the desire revived for a reunion which would strengthen them in their resistance to autocratic encroachment on their liberties and privileges. Kaunitz, the chief exponent of the advantages to be derived from the dismemberment of Hungary, had no difficulty in convincing Leopold of the dangers which would be entailed by the realisation of the wishes of the Hungarian population of Transylvania, and encouraged the opposition of the Saxons, who never lost an opportunity of currying favour with the Court, and of emphasising their loyalty at the expense of the Magyars. The fact that the question of the position of the Transylvanian Roumanians was raised (for the first time) at the

¹ Catholics may freely convert Protestants, but the latter are strictly forbidden to seduce a Catholic from his faith.

Transylvanian Diet of 1790 gave further proof of the necessity of reincorporation. The numbers, as well as the want of education, of the Roumanians, made them, then as now, a source of danger to the Magyar principle to which the reunion of the severed member of the Sacred Crown would bring an accession of strength. It is not surprising, therefore, that successive Habsburgs showed themselves to be indisposed to give effect to the Magyars' desire for reunion, and remained true to the motto "*divide ut imperes*."

At the beginning of the reign both the King and the nobles had played a game of bluff, for the purposes of which one party utilised the bugbear of Jacqueries and Servian separatism, the other the spectre of revolution and of Prussian interference. When both agreed to put a stop to their flirtation with each other's antagonists, a period of mutual confidence followed, based on a far more solid foundation than that afforded by the temporary enthusiasm which Maria Theresa and Hungary had entertained for each other. The return of the Sacred Crown, the coronation, and Leopold's promise to confirm the appointment of whomsoever the Diet might select for the office of Palatine, won the confidence of the nation. In order to show its willingness to consign Joseph and his innovations to oblivion, and to begin a new era of affectionate loyalty, the Diet elected Leopold's son, the Archduke Alexander, to the vacant post. A reasonable compromise settled all disputes. The towns which the Magyars looked upon as the strongholds of Austrian imperialism, the foreign population of which might become the instrument of an anti-national policy, were encouraged by the success of the French *bourgeoisie* to demand better representation at the Diet. As on previous occasions, the elected representatives of the nation protested against the undue exercise of the right of the Crown to increase the number of royal free towns, and Leopold agreed to consult the Diet on each

occasion before exercising his privilege. Possibly it was a mistake on the part of the Magyars to resist the establishment of a *tiers état*, which, as subsequent history shows, once received within the pale of the Constitution, would have been as active as the nobility itself in its hostility to unconstitutional interference; but Josephism and the French Revolution had engendered a feeling of nervousness, and the nobles feared to open a door for the admission of German influence, the exclusion of which they had only recently effected. The creation of a separate Servian Chancery, which the Diet naturally looked upon as an indication of an intention to dismember Hungary and to treat a comparatively recent importation as an independent people, was more or less satisfactorily explained by the King's assurance that it indicated no separatistic intention; that it was solely due to consideration of administrative convenience; and that the sphere of influence of the new department would be strictly confined to ecclesiastical matters. The establishment of the Servian Chancery was in fact a mere temporary move in the game of bluff, the necessity for which soon ceased to exist, as indeed, did the Chancery itself.

By Article 16 of the law of 1790 a first step was made in the direction of official recognition of the Hungarian language, and Article 7 of the law of 1792 marks a further advance. The study of the national language is thereby elevated to the position of an ordinary subject of instruction within the limits of Hungary proper, and to that of a *studium extraordinarium* in the "annexed parts." Non-Magyar students in academies and university are dispensed from the necessity of learning the language provided they have no intention of gaining a livelihood in Hungary. A knowledge of Hungarian is ultimately to be essential for admission to the public service, and in the meanwhile public offices are to be gradually filled as vacancies occur by the appointment of candidates acquainted with that

language. Thus the principle that non-Magyars earning their living in Hungary may reasonably be expected to learn the national idiom obtains recognition for the first time.

It is remarkable that the Diet did not take the opportunity presented by Leopold's conciliatory disposition of passing, or of attempting to pass, in spite of the opposition of the Viennese bureaucracy which it would have infallibly encountered, some measure of reform of the fiscal relations of the two countries. Frequent reference was, indeed, made to the scandal of the one-sided Austrian protective system as one of the causes, if not the chief cause, of the poverty of the country, and the question of the customs barrier erected between the two halves of the monarchy and the expediency of doing something for the encouragement of trade was referred to a committee ; but there the matter ended. Presumably, the shock inflicted on Hungary by Josephism had produced a temporary paralysis of the progressive instinct, and the energy of the Diet was exhausted by its efforts to "entrench" the constitutional position, and to put an end to the hatred engendered by the conflict of rival religions. In any case, the country had little reason to be dissatisfied with the results attained in the short time which had elapsed since the death of Joseph. It is a question whether the fact that the duration of his successor's reign was limited to two years was in reality a misfortune for Hungary, and whether Leopold would have succeeded in maintaining the spirit of confidence engendered by his early acts in the minds of his Magyar subjects, but for which, when the storm and stress of the Napoleonic period began, Austria would have found itself in a far weaker position than that which it actually occupied.

CHAPTER VIII

1792. FRANCIS was a sickly, petty creature, whom his father would gladly have excluded from the succession, had it been possible to do so, but for the fact that his second son, Charles, was no better fitted than the legal heir to occupy the throne.¹ The new King, half educated, virtuous, obstinate, and impatient of contradiction, prided himself before all on his pedantic attachment to the minutiae of government,² and was easily flattered by his ministers into the belief that he was a heaven-born genius who carried the whole weight of government on his own shoulders. In reality, he was a puppet in the hands of Colloredo and Thugut, in spite of the fact that he distrusted them to such an extent that he employed the secret police to watch their every action. So long as the detective force succeeded in making him believe that no detail of the public or private life of his subjects could escape the royal omniscience,³ and provided that a sufficient number of new State documents were submitted for his signature, and that the old ones were properly docketed and pigeonholed, no suspicion of his own futility ever crossed his mind.

¹ For Joseph's opinion of his son see Anton Springer, *Geschichte Oesterreichs seit dem Wiener Frieden*, Leipzig, 1863, i. 109.

² He continually said that he would have made a good head clerk in a government office.—Hartig, *Genesis der Revolution in Oesterreich*. "D'esprit étroit et mesquin il prenait la signature des pièces pour l'exercice du pouvoir et l'ingérence dans tous les détails des affaires pour la marque de l'autorité."—Eisenmann, *Le Compromis Austro-Hongrois*, p. 53.

³ Anton Springer, *o.c.* i. 118.

The French Revolution not only shook thrones but also shattered preconceived notions as to the divine origin of class distinction; it is therefore not surprising that when Francis came forth in the face of Europe as the champion of the monarchical idea, and, incidentally, of the privileges of the nobility, he had the almost solid support of the governing classes of Hungary. The nobles expressed themselves as ready to shed the last drop of their blood in the cause of the security and dignity of His Majesty, and Francis in his turn declared his anxiety to do all in his power to promote the welfare of his beloved Hungarians, and to encourage their national aspirations.¹ He badly wanted their backing in his combat with the democratic hydra, "the spirit of the age," "the malady of the time," in which, at a later date, Metternich saw the root of all evil.² He bid for it boldly by promising to find places for Magyars in the Council of State and in the holy of holies of the military hierarchy, as well as by gratifying the landlords by still further strengthening their juridic control of the peasants—the protection of whom was ever, according to Austrian apologists, the pride and pleasure of the House of Habsburg. The objectionable Servian Chancery was at once abolished, and the Diet showed its gratitude by receiving the Metropolitan and bishops of the Greek Church into its body. There was a considerable party which embraced the doctrines of liberty and equality, but the fear of the spectre of revolution threw all questions of social reform into the background, and would-be

¹ "Mit der Offenherzigkeit, welche auf der Reinheit meiner Absichten und meinem Selbstbewusstsein beruht, erkläre ich vertraulich, dass auch die grossmüthige Nation es nie bereuen wird, mir vertraut zu haben. . . . Euer Liebden werden den Mitbürgern nach der Heimkehr sagen, dass ich der eifrigste Hüter der Verfassung sein werde . . . meinen Willen stets das Gesetz, mein Herz nur Aufrichtigkeit und das Vertrauen des Volkes leiten wird."—Speech to the Hungarian deputation sent to invite him to Hungary to be crowned. Csuday, ii. 300.

² *Memoirs*, iv. 249, 255 and *passim*.

reformers had to possess their souls in patience while the unnatural alliance between Hungarian constitutionalism and Austrian autocracy, based on an inquisitorial detective system, held the field.

It is, unfortunately, impossible to blink the fact that the enthusiasm of the governing classes for constitutional government was, in the early part of Francis's reign, to a great extent the outcome of anxiety to maintain the privileges of the minority at the expense of the great mass of the people.¹ Consequently, but little inclination was manifested to open the door to new ideas, or to protest when the introduction of a strict censorship barred and bolted it. The mere suggestion of a connexion between Jacobinism and Protestantism was considered to provide a sufficient justification for a recrudescence of religious intolerance; and the general nervousness was shown by the treatment meted out to Martinovics and his associates 1795. who were hanged, or imprisoned for years, for complicity in a plot which never existed. True, one of the conspirators had translated the Marseillaise, and Martinovics himself had produced a revolutionary catechism²—a

¹ When in 1807 Paul Nagy, the most radical of contemporary politicians, urged on the Diet the necessity of taking steps to lighten the burden of the lower classes, he was shouted down by the Diet and told "not to play the fool."—Michael Horváth, *o.c.* vi. 255.

² Divided into four parts: (1) What is man? What is wisdom, and what should be done to combat superstition and ignorance? (2) What is Society and Citizenship? Of the sovereignty of the people, and of the duties of Citizenship. (3) Of servitude. No difference between the serfs and beasts of burden. (4) The right of resistance to governmental violence, to put an end to slavery, and open the door to freedom. Kings are men of like passions with ourselves and may be deposed if they make improper use of their power (this hardly goes further than the clause of the Golden Bull). Of the evil caused by the power of priests and nobles—ignorance and fanaticism the result. Hungary enclosed in a Chinese wall by the exclusion of books. The people's rights must be restored, or it will take them for itself. These platitudes were described in the indictment as "*scripta jam in se ipso crimen laesae majestatis involventia*."—De Gerando, *Der öffentliche Geist in Ungarn*, Leipzig, 1848, pp. 36, 46. Michael Horváth, *o.c.* vi. 142. The incriminated documents were not circulated but kept locked up by the seventy-five "conspirators." Even those who took no part in the discussions of the society, but were aware of its

declaration of the rights of man which justified resistance to the monarch, in fact, the abolition of royalty as an institution; but it contained nothing but general principles, no reference to Austria or Hungary in particular, and there is no evidence to show that its author, or any one of his associates, contemplated the creation either of a revolutionary movement directed against the Habsburgs, or of a peasant insurrection, the nightmare of the privileged classes. But Thugut¹ had no difficulty in persuading Francis that he had had a narrow escape, and convinced him of the necessity of keeping the country free from contamination by foreign revolutionary notions, and of discouraging pernicious originality in all its forms. And so the spirit of reaction triumphed, and the advent of Napoleon found King and nobles united to an extent that would have seemed impossible to previous generations, that alone explains the fact that after the defeats and humiliations which preceded the Peace of Pressburg² the House of Habsburg was able to come up smiling for the next round.

By a reference to the traditional liberality of Hungary, 1796. evidenced by its chivalrous treatment of his respected ✓
 ancestress, Maria Theresa, Francis obtained without any difficulty a vote for 50,000 men, 10,000 horses, and an enormous quantity of supplies. Francis's younger brother, the Archduke Joseph, was elected Palatine, and after this

existence, were condemned. Seven of the accused were hanged. For the history of this "conspiracy" see especially Fraknói Vilmos, *Martinovics és Társainak Összeesküvése*, 2nd ed.; for the catechism, *o.c.* p. 427 sqq., Budapest, 1884.

¹ Thugut, originally Thunichtgut, son of a carpenter. Maria Theresa discerned his abilities. He obtained Bukovina for Austria, in order to connect Transylvania with Galicia, on the ground that it formerly belonged to Hungary, in which, however, it was never incorporated. He was credited, not without justification, with having invented the Martinovics conspiracy to terrify public opinion.—Beöthy, *o.c.* p. 652. Michael Horváth, *o.c.* vi. 126. He succeeded to the place left vacant by the death of Kaunitz in 1794.

² Austria lost the Venetian provinces, Tyrol and Vorarlberg, roughly 3,000,000 of its population, and its access to Italy and Germany.

affirmation of the solidarity of King and people the Diet was dissolved—a blank session so far as legislation was concerned. ' When the Peace of Campo Formio was signed the following year, Hungary had already lost 100,000 men and 30,000,000 florins, but that did not damp its ardour, and in 1802 the Diet voted the increase of the Hungarian contingent to 64,000 men, and the provision of 12,000 more in the event of a renewal of hostilities. In 1809, the *levée en masse* was decreed; the summons was responded to with the utmost enthusiasm, and one can only marvel at the loyalty evinced throughout the whole Napoleonic period to a dynasty which had already proved its ability to astonish the world by its ingratitude to a nation which had saved Austria in 1741 when birds of prey were preparing to tear it to pieces. For twenty-two years Hungary fought almost without interruption in order to maintain Austria's position in Germany and Italy, as a rule under incompetent generals,¹ and with little encouragement in the way of promotion for Magyar officers, except when Vienna saw signs of slackening in the national enthusiasm for the Habsburg cause.

1804. For a moment Hungarian suspicions were aroused when, after Napoleon had announced his assumption of the Imperial title, Francis followed suit by taking that of Emperor of Austria, which might in some measure be regarded as implying, if not the fusion of the two countries, at all events the subordination of Hungary to the hereditary provinces. It was not the first time that the House of Habsburg had considered the advisability of adopting a title which should symbolise its hereditary rights to the Crown of Hungary, as well as to the heterogeneous congeries of duchies, principalities, and countships comprised in its Austrian dominions. The

¹ Who, with two exceptions, did not know the Hungarian language, and openly expressed their dislike of, and contempt for, the Magyars.—Michael Horváth, *o.c.* vi. 298.

style of Emperor of Pannonia had been suggested in the time of Joseph II., and even before that period slipshod diplomatic documents and careless speakers referred, not infrequently, to a non-existent "Austrian Empire," under which misnomer Hungary was supposed to be included. To speak of the head of the House of Habsburg as "the Emperor" was perfectly correct, as there was in fact only one Emperor, namely, that of the Holy Roman Empire, for the title of Emperor, qualified by the addition of the words, "of all the Russias," was merely adopted for convenience in dealing with West European Courts, and had no meaning except as a sort of translation of the proper appellation, "Tsar."¹ The shaky and precarious position of his German throne, the practical collapse of which led to his abandonment of the Holy Roman title two years later, made it advisable that Francis should invent some phrase which should prevent his being reduced to calling himself by his proper appellation of King of Hungary and Bohemia and Archduke of Austria. It is doubtful whether the assumption of the new title was intended as a step in the direction of the amalgamation of Hungary with the hereditary provinces; but the Magyars naturally viewed the move with apprehension, though in all probability it was only the outcome of an idea that it is more distinguished to be styled "Emperor" than to be one of a crowd of mere Kings. In any case, Francis found it necessary to allay Hungarian suspicion by issuing a rescript in which he declared that "that which We have done for the glory of Our monarchy has no effect on the individuality, laws, or constitution of Our beloved Hungary and of the parts thereto annexed," though, but for the fact that the principle of the indivisibility of the hereditary provinces of the Habsburgs received fresh confirmation,

¹ See Freeman's introduction to the translation of *Léger's History of Austria-Hungary*.

Hungary was in no way affected by the conversion of the Archduke of Austria into an Emperor.¹

1805. Some reward was clearly due to Hungary in return for the enthusiastic loyalty of which it continued to give proof, and at the next meeting of the Diet Francis agreed to make further concessions in the direction of establishing the official position of the Hungarian language.² Henceforward the Diet is to communicate with the King in Hungarian and Latin (columnaliter), and only in Hungarian with the Chancery and the Council of Lieutenancy. Hungarian may be used in the County Courts, and the King undertakes to give full effect to the seventh article of the law of 1792 already referred to.³ But at this point the concessions with respect to the language question came to a full stop, and, though the Diet of 1807 made further attempts to obtain complete official recognition for the national language, Francis

¹ "Salvis semper juribus, legibus et Constitutione Regni Hungariae." It is absurd to lay stress, as Tezner (*Der österreichische Kaisertitel*, Vienna, 1899) does, on the fact that the Diet used the expressions "tota monarchia" and "monarchia Austriaca," and to argue therefrom that Hungary recognised the fact of its inclusion in a uniform Austrian Empire, as the words are "utilitas Regni Hungariae partiumque adnexarum et totius monarchiae," which show that a distinction is drawn; otherwise the words "tota monarchia" would suffice alone, and a separate reference to Hungary would be superfluous. Further, we find the phrase "tota monarchia et Regnum Hungariae," 1805 (see *infra*, p. 301, *re* the title of Ferdinand, 5th of Hungary and 1st of Austria). Friedjung's offhand statement that Hungary was, and recognised the fact that it was, "ein Theil Österreichs" requires no refutation.—*Österreich von 1848 bis 1860*, Stuttgart, 1908, I. vi.

² 1805, Art. 4. The importance of language as a preservative of national individuality was now fully recognised, thanks to Révay, Kazinczy, and others, for whom see Riedl's *Hungarian Literature*, London, 1906. Paul Nagy pointed out, for the first time in 1807, that the language was of greater importance than the Constitution, as the latter might be won back, but language and nationality never, if once lost.—Beöthy, *o.c.* p. 384; Tezner, *Der österreichische Kaisertitel*, etc., Vienna, 1899, says that Hungary's objection to the official use of the German language was "nur ein Agitationsmittel, durch welches das eigentliche Ziel desselben die Abwehr der Vernichtung der ständischen Steuerprivilegien verdeckt wurde," p. 39, a statement which he does not attempt to support by evidence.

³ *Supra*, p. 238.

successfully took refuge in a policy of procrastination, 1807. and the members dispersed with nothing to their credit save an undertaking on the part of the King that he would never do anything to curtail the right of free speech, and with further sacrifices of men and money on the debit side. It was resolved that the nobles, merchants, and tradesmen, should contribute one-sixth of their income, and one per cent of the value of all personal property ;¹ and as if to prove that the words, first used at this meeting of the Diet, "we are the representatives not only of the Nobility but are the protectors of the entire population," were no meaningless phrase, the peasants were exempted from the imposition of this exceptional burden. Neither King nor country was satisfied with the results of the session of 1807 ; the latter, on account of the magnitude of the sacrifices demanded of it and of the ill-concealed disinclination of the Crown to do anything to promote the national welfare by encouraging the trade purposely sacrificed to Austrian interests ; the former, because he realised the fact that temporary votes of men and money could not suffice to maintain his position in Europe in view of the growing intimacy of France and Russia, and that nothing would answer his purpose short of putting the military organisation of the country on a permanent basis and thereby depriving the Diet of its most cherished rights—the control of taxation and the voting of the annual contingent.

When the Diet met again Francis had little reason 1808. to complain. With a few flattering words he obtained more than he could ever have got by appeals to reason. Not only did he obtain a vote of 20,000 men, but he was invested with authority, hitherto unparalleled, to proclaim the *levée en masse* without reference to the Diet in the event of a renewal of the war at any time during the next three years. He thus was enabled

¹ Michael Horváth, *o.c.* vi. 244.

to exhibit in the eyes of Europe the spectacle of the solidarity of King and people, and a proof of the readiness of the Magyars to make any sacrifice when the dynasty was in danger.¹ Napoleon did not sufficiently appreciate the intensity of Hungarian loyalty when he issued the celebrated proclamation² from Schönbrunn.

1809. It is the Emperor of Austria, not the King of Hungary, who has declared war against me. By your Constitution he had no right to do so without your consent. . . . Hungarians, the moment has come to recover your independence. I offer you peace, the integrity of your territory, your liberty, and your Constitution. . . . I want nothing from you: only to see you free and independent. Your union with Austria has been your misfortune. Your blood has flowed for her on distant fields, and your dearest interests have been continually sacrificed to those of the hereditary States. You formed the fairest portion of the monarchy and yet were reduced to the position of a subject province, and made the sport of passions to which you were strangers. You have your national customs and a national language. You boast of an ancient and illustrious origin. Regain, therefore, your national existence. Have a King of your own choice who reigns for you only, who resides in your midst, who is surrounded only by you and your soldiers. Hungarians, this is what Europe, which has its eyes on you, what I also ask of you: a lasting peace, commercial relations, and an assured independence. That is the prize that awaits you if you are worthy of your ancestors and of yourselves. You will not refuse these liberal and generous offers. You will not squander your blood in the cause of feeble Princes, ever dominated by corrupt ministers who are in the pay of England, that enemy of the Continent, which has founded its prosperity on monopoly and on our divisions. Meet, therefore, in your national Diet on the plain of Rákos, as your ancestors did, and let me know the result of your deliberations.

¹ "*Cordi meo carissimi Hungari! Fecistis ea quae caractere vestro avito digna sunt. Videbit tota Europa Regem vestrum vobiscum ita unum sentire, ut nec mihi nec vobis carius esse possit quam antiquam constitutionem nostram usque ultimam guttam sanguinis defendere velle. Juncti fuimus, juncti sumus, juncti semper manebimus donec mors nos separabit.*" —*Diarium Comit.* 35, 376.

² Facsimile in *A Mag. Nem. Tört.* viii. 582.

To this document, which, with consummate ingenuity, touches every sore spot in the body politic and appeals both to passion and to sentiment, Hungary replied by making still further sacrifices¹ on behalf of the dynasty which it was invited to throw overboard, and at Aspern and Wagram justified the confidence which the imperial family² manifested by taking refuge in Hungary when the enemy, who would have seduced the Magyars from their allegiance, was at the gates of Vienna. Hungary's reward for its devotion to a losing cause was the loss of Fiume and of the western parts of Croatia, and (as soon as the King thought his position to be sufficiently well assured by the marriage of Napoleon to Marie Louise) by the initiation of a new phase of reaction and repression.

The Archduke Joseph tried to press upon Francis the necessity of establishing the monarchy on a firmer basis, either by means of the extension of representative institutions to all the subject provinces, or by a complete restoration of the constitutional system of Hungary, and by a transference (suggested by Gentz in 1805)³ of the centre of gravity to Buda: for the possession

¹ Hungary's contribution this year amounted to 40,000,000 florins.—Horváth, *Közd. Ugyek*, p. 39. Beöthy, *o.c.* ii. 247 n., says 28,000,000 and 50,000 men. The *levée en masse* took place four times during the Napoleonic period—1797, 1800, 1805, 1809. In 1796 Hungary gave 50,000 recruits, 6,100,000 bushels of wheat and oats, 10,000 horses, and 20,000 head of cattle. In 1802 the contingent was 64,000 men. In 1807 additional 12,000 recruits were voted, and in 1808 a further 20,000.—*Ibid.* i. 725. And yet Austria complained that Hungary had done nothing and demanded that it should take the responsibility for a large part of Austria's public debt, not a penny of which had been spent in Hungary or for Hungary's benefit.

² 1805. The Archduke Joseph, the Palatine, wrote on November 23 to Francis, "Let Your Majesty rely on the Hungarian people which will never desert its King."—Horváth, *o.c.* p. 113. Francis said in a brave moment that he would not make peace with the French even after five defeats, and that if he had to retreat to Temesvár he would win the sixth battle there (Beöthy, *o.c.* i. 669), showing that he knew what the possession of Hungary meant to its dynasty, its resources, its sticking power, and its patriotism.

³ *Correspondence*, iv. 244. Not only Gentz, the German political writer in the Austrian service, but Talleyrand also considered that the seat of government should be transferred from Vienna to Buda, which was less liable to attack

of the crown of St. Stephen seemed likely to be the one thing capable of preserving for the Emperor of Austria his importance in the eyes of Europe. Francis curtly replied that "the Hungarian Constitution must be remodelled and brought into harmony with the system obtaining in the other hereditary possessions." For the moment he thought of nothing but of restoring some semblance of order to the financial system of the monarchy. In the position of affairs which obtained in the rest of Europe the placing of an external loan was an impossibility. Notes were in circulation to the amount of 1,060,000,000 florins, which, in the absence of a sufficient corresponding metallic reserve, were accepted only at an enormous discount.¹ Hungary in vain protested against the adoption of this system of printing-press finance, as to which it had not been consulted, which, if not actually contrary to Hungarian law in any case was not sanctioned by it. The new Austrian Finance Minister, Wallis, reduced the value of the note issue by a stroke of the
 1811. pen to 212,000,000, *i.e.* to one-fifth of its face value, and an illegal patent² was the first notification Hungary received of the accomplished fact. Further, the value of the 80,000,000 florins' worth of copper money in circulation was reduced by four-fifths in order, apparently, to complete the ruin of the tax-paying peasant, already reduced to the verge of starvation by the sacrifices

and was the natural centre of the Dual Monarchy.—Beöthy, *o.c.* p. 638. Bismarck wrote to Baron Schleinitz, March 13, 1861: "If I had to be Emperor of Austria I should at once transfer myself to Pest, put on a hussar uniform and speak Hungarian. I should incorporate everything in Hungary which I could squeeze into it. I should tell the Magyar Diet that the first duty of an Austrian Emperor is to be a Hungarian King."—Beksics, *Mátyás Király Birodalma*, p. 122.

¹ At about one-tenth of their nominal value.—Michael Horváth, *o.c.* vi. 314. The ratio of paper to silver fell as low as one to twelve.—See also Anton Springer, *o.c.* i. 168 *sqq.*

² Rescript of May 8, 1811. The law of 1790-91 (Art. 12) declared such patents to be illegal, as the Diet did not fail to point out.

entailed by the war. The counties protested, but merely received a peremptory order to carry out the terms of the Patent within seven days, and a rescript from Francis rebuking their "insolence" and threatening "the most stringent measures." The ringleaders of resistance were summoned to Vienna "*ad audiendum verbum regium*," i.e. in order to be frightened into submission or corrupted by promises ; but the King, nevertheless, had to give way to the demands of the nation to the extent of summoning the Diet.

It met on August 25, and was at once confronted with a demand for an increase by 12,000,000 florins of the taxes raised for military purposes, and for a guarantee of 100,000,000 of the total, depreciated, paper issue of 212,000,000 florins ; i.e. of practically the same amount as that allotted to the King's Austrian dominions, which were far more prosperous and enjoyed the benefit of a gerrymandered customs system at Hungary's expense. And this in face of a four-fifths depreciation of the cash in circulation.¹ In 1814, in spite of the Government's undertaking to issue no more paper money,² a further emission of 480,000,000 was made, which fell to one-third of its nominal value. The next step was the redemption of the depreciated notes by the exchange of 100 new paper florins for 250 of the previous issue. Had Francis shown any inclination to satisfy the wishes of the Diet in the matter of the language question, it is possible that he would have met with little opposition from that body. But he returned a point-blank refusal to all its requests, and ought not to have been surprised when it paid him in his own coin and refused to undertake any part of the burden of extra taxation which he would have imposed on the country. Twelve years of despotic government

¹ The value of the notes issued in 1811 fell 45 per cent in twelve months.—Michael Horváth, *o.c.* vi. 389.

² Patent of February 20, 1811.

was the result, and only in the political life of the counties did any vestige remain of the Constitution likened by Metternich¹ to "a precious jewel which ought to be kept like a relic"—locked up, apparently, in a safe, to be exhibited from time to time to prove to a careless Europe the good faith with which the Habsburgs observed their obligations.

Francis had no difficulty in forgetting what he had said on the occasion of his accession to the Throne: that Hungary would have no cause to regret its confidence in the excellence of his intentions, and that he would be the most ardent defender of the Constitution and of the laws. A story is related to the effect that when Báron Stift, the King's doctor, who was treating him for a persistent cough, observed that there was no cause for anxiety as His Majesty had an excellent constitution, Francis exclaimed, "Never let me hear that word again. Say, if you like, that I have a *dauerhafte Natur*, but don't speak of constitutions, for there is no such thing as a good one, and never will be."² Whether the story is a true one or not, from 1813 to 1825 the Constitution of Hungary was practically non-existent. Metternich described the Holy Alliance between Russia, Austria, and Prussia as having come into existence "not for the destruction of popular rights or for the promotion of absolutism or tyranny, but as the outcome of the piety of the Tsar, and for the adaptation to politics of the principles of Christianity." As far as Hungary was concerned these Christian principles found their expression in an unexampled obscurantism, and in a total disregard of the contractual obligations of the reigning monarch. The Council of State was re-established in Vienna, and the Hungarian Chancery and Council of Lieutenancy were reduced to the position of mere instruments for the execution of its instructions.

¹ *Memoirs*, iv. 256.

² *A Mag. Nem. Tört.* ix. p. 10; Michael Horváth, *oc.* vi. 372.

The censorship of the Press reached a point of development hitherto unattained. The importation of foreign periodicals "of a dangerous tendency" was strictly forbidden;¹ and as the order was held to apply not only to political but to purely literary productions as well, it amounted to a total prohibition of all foreign literature.² Some of the counties protested, but the Catholic ecclesiastics were on the side of the obscurantists. Their Synod petitioned the King to instruct the censors to extend their activity to the booksellers' shops, with a view to the withdrawal of all "pernicious literature"—a comprehensive phrase as interpreted by religious and political reactionaries—and even induced him to prohibit the employment of Protestant teachers in Catholic schools and private families except as language and dancing-masters.

Though Francis had declared in his rescript addressed to the Diet in 1807 that the independence of the Hungarian Treasury should be strictly maintained, that institution was not consulted on the subject of the new financial measures adopted in 1816, nor was Hungary represented on the commission appointed in August of the same year, under the presidency of Metternich.³ The result of the deliberations of that body was embodied in the Patent of October 29—the work of Stadion, the new Minister of Finance. The Patent provided for the issue of five per cent one hundred florin obligations, redeemable in specie only, in exchange for notes of like nominal value and for a like amount of short term bonds issued earlier in the year. As if this depreciation did not inflict a sufficiently serious loss on the holders, in 1820 outstanding paper was redeemed at two-fifths of its face value,⁴ and Stadion's plan was so far successful that by 1827 the paper money

¹ Order of January 1, 1821.

² Michael Horváth, *o.c.* vi. 383 sq. Every possible obstacle was thrown in the way of students wishing to visit foreign universities.

³ *Memoirs*, iii. 15. See especially Anton Springer, *o.c.* i. 307-315.

⁴ *A Mag. Nem. Tört.* ix. 45.

in circulation had been reduced from 1,060,000,000 to 99,000,000 florins. It was no doubt good business for a Government to pay a penny for a shilling's worth of cash received or of services rendered, but the result to the individual was disastrous.¹ The protests raised by Hungary on the promulgation of the Patent of 1811 was met by a royal assurance that the measure was of a temporary nature and would remain in force only until the meeting of the Diet; but as the King in defiance of the law did not summon that body for the next thirteen years it was but cold comfort. If the buying power of the depreciated paper and copper money had remained the same, it is conceivable that the peasant, who lived from hand to mouth, would not have been severely affected; but this, of course, was not the case in a country which had to import most of its requirements, and, as will be seen hereafter, the Austrian Government would not accept its own paper in payment of taxes.

It might have been supposed that the Government would have made some concession to the poorer classes in return for the sacrifices entailed by the recent financial juggles. Far from it. The price of salt, a royal monopoly, which, as the King had admitted in his rescript of 1802,² could not be increased without the consent of the Diet,³ was raised in 1811, 1815, and in 1816, without reference to the representatives of the nation. A further rise of two florins the centner followed two years later, and the price had to be paid in silver then standing, owing to Stadion's measures, at a premium of 250 per cent. If the Austrian Government had encouraged and facilitated the export of Hungarian products, something

¹ According to Michael Horváth, *o.c.* vi. 392, the result of the Government's financial measures was that in sixteen years the value of 100 florins paper fell as low as eight florins silver.

² September 23, and again December 14, 1807.

³ Law xx. 1790, *nisi extreme urgentes circumstantiae aliud exigere*, i.e. in case of war making it impossible to summon the Diet.

might have been said in its favour ; but the duty imposed on Hungarian corn and cattle exported to Austria, and the octroi dues, made it impossible to compete with Bavaria and Turkey, while the duty imposed on Austrian wines exported to Hungary was comparatively trifling. Tobacco being a State monopoly in Austria the duty on the Hungarian product was raised, first from one and a half kreuzers to twenty, and then to twenty florins payable in silver.¹ Articles imported from abroad into Hungary and then into Austria paid duty twice over, while Austria could buy goods abroad, and after paying a single duty could export them, without further payment, to Hungary. So after forced depreciation of the currency had sheared the Magyars to the skin, the gerrymandered tariff system proceeded to remove the scalp also.

In the enforced absence of the Diet no one could make effectual protest against the system of organised spoliation of which Hungary was the victim. While war was in progress or in prospect the King was too busy to be bothered with a Diet, and when peace was assured he had no time to spare. Plenty of time, however, was available for the making of an insidious attack on the organisation of the counties—the last refuge of the constitutional principle. For some time past the Government had appointed to the office of lord-lieutenant only such denationalised Magyars as could be relied upon to raise no obstacles to the realisation of bureaucratic ideals ; and in some counties meetings for the election of officials had not been summoned for ten or fifteen years.² Vienna had learnt by experience that a frontal attack on local autonomy was doomed to failure, and could only result in causing all classes to combine in defence of their interests. A new scheme must be devised, and a new weapon discovered

¹ *Umrisse einer möglichen Reform in Ungarn*, i. 17.

² Michael Horváth, *Huszonöt év Magyarországi történetéből*, i. 25 (cited henceforth as Horváth, *Huszonöt év*).

wherewith to break down resistance to intended centralisation. No better instrument could be found than the impecunious "noble," whose membership of the privileged class made him, as regards voting power, the equal of the richest and the most intelligent. The "nobles in sandals"¹ who might, and did, occupy any position from that of postman to that of pig-tender, had hitherto taken but little part in the political life of the counties. Want of time and money had prevented attendance at the meetings, and the Government was not slow to recognise the fact that here was an element which could be utilised to obtain the complete exclusion from office of the educated classes, and to ensure the election of pliant creatures who would reduce the autonomy of the counties to a mere sham. Free food and free drinks brought the impecunious in their thousands to the polling-places, and the return of the official candidate was rarely in doubt. In order that there might be no mistake, under the pretext of safeguarding the sacred rights of the people, an order was issued from Vienna which abolished the old system of election by acclamation and substituted therefor individual voting, thereby assuring the preponderance of a corrupt and frequently intoxicated majority. The success of the autocratic wolf in the sheepskin coat of the sandalled nobility was especially precious to the Government at a moment when the Freemasons of Spain and the Carbonari of Italy were keeping Metternich fully employed. With Naples and Piedmont in a ferment the time was not yet ripe for undisguised autocracy, and Francis thought it necessary to repeat his assurances of love for Hungary and of attachment to its Constitution. "Hitherto, by the grace of God, I have preserved your country from every danger, and will take steps to avert all possible harm in the future; for my happiness consists in that of my

¹ Later known as "five-florin Magnates."—Michael Horváth, *Huszonöt év*, i. 580.

faithful people, the task of governing whom has been imposed on me by Divine Providence. Now, once more, peril is threatening the world. The whole universe is playing the fool (*stultizat*), and with ulterior motives is demanding a Constitution. You are blessed in having a Constitution inherited from your ancestors, which I wish you to love as I love it. I have preserved it hitherto, and it is my intention to hand it down unimpaired to my successors in the hope that you will not desert me in the hour of danger. The danger is not yet here, but should it ever come I count upon your assistance."¹ Apart from the terminological inexactitude of the first sentence of this remarkable appeal, it may be pointed out that the monarch's affection for the Constitution had been shown in the past only by his failure to summon the Diet for the last eight years, and was to be manifested in the future by a refusal to convene the representatives of the nation for the succeeding period of five years.² The Magyars' characteristic affection for the dynasty seemingly enabled them to swallow any inaccuracy provided it was clothed in the Magyar language, but a further attack on the depleted pockets of the tax-payer was more than they could stand. For the suppression of the commotions in Italy, the War Office and Stadion decided that Hungary must produce 28,000 recruits,³ and that the taxes, fixed by the Diet at its meeting eight years ago at 5,200,000 florins, and payable in paper money, must thenceforth be paid in silver. The result was that the ratio of paper to silver then being as one is to two and a half, the contribution of Hungary

¹ Horváth, *Huszonöt év*, i. 28.

² Law xiii. of 1791 required the Diet to be convened every three years or oftener.

³ In order to maintain a semblance of legality, but at the same time to avoid the necessity of summoning the Diet, which alone could grant recruits, the Government called for the balance (28,420) of the 90,000 recruits demanded by Francis in 1813 and 1815, but not actually called out owing to the declaration of peace in the latter year. The contingent not having been voted by the Diet it was *ab initio* illegal.

was raised to 13,000,000 florins without the consent of Diet, the only legal taxing authority. As a matter of fact there was not sufficient silver in circulation for it to be possible to pay the amount demanded in that metal,¹ but this was a detail to which Vienna was entirely indifferent, and Pharaoh's demand for bricks without straw seems moderate in comparison with that of Stadion. In 1815 the Government had demanded and obtained taxes and recruits behind the back of the Diet; but at that time Napoleon was again at large, and there was the excuse of imminent danger. In 1821 there was no such justification for illegality, still less for the Government's refusal to accept its own paper which it had arbitrarily depreciated for its own ends. Neither the protests of the counties nor the fact that a large percentage of previous taxes was in arrear and uncollectable, and that the consumption of salt had dropped to an unprecedented level—a certain proof of the destitution of peasant tax-payers—could turn the Government from its purpose. The easy
 1822. success of Metternich in Italy, and the knowledge that he had the Holy Alliance at his back, prevented Francis from paying attention to the warnings of the Palatine. Some of the fifty-two counties paid the tax and found the recruits; others, more numerous, only did so after the receipt of threatening rescripts, while the remainder stood firm for a long time. Eight refused to collect the taxes, ten to provide recruits; and it was only by means of moral terrorism or actual violence that the Government was able to break down their resistance. Of the passive resisters some were chained and imprisoned,² others were arrested on a charge of treason, or on a trumped up accusation of being in secret communication with Italian insurgents; while those who resigned their offices,³ rather

¹ Horváth, *Huszonöt év*, i. 116.

² At Komárom and elsewhere.—Horváth, *Huszonöt év*, i. 108.

³ As in Bars County, where the whole official body resigned and so temporarily paralysed the illegal action of the commissioners sent to break down the

than be a party to illegality,¹ and refused to hold the necessary meetings, were surrounded by soldiers, driven to the meeting-place, and kept there till they gave way. As for the recruits, the press-gang looked after them, with the result that the forests were peopled with "poor fellows," the usual euphemism for highway robbers, and that agriculture came to a standstill for want of hands.²

In spite of the saying to the contrary, everything cannot be done with bayonets, and the King's advisers at last recognised the fact that violent coercion, though temporarily successful, must be beaten in the long run by resolute passive resistance. It was to the determined attitude adopted by a few counties in the face of tyranny and violence that the restoration of a semblance of constitutional government, after thirteen years of despotism, was ultimately due. The choice lay between the uncompromising utilisation of armed force for the final destruction of the Constitution and the convocation of the Diet which the counties had continually entreated Francis to summon in accordance with the law,³ "not owing to passion or anarchical suggestion, but from motives of fidelity to him on whom we must look as upon the true Father of our Country. The mainspring of our action is the desire to protect the Throne and our ancient Constitution, and in our fidelity to both nothing shall shake us."⁴ The King was finally induced to accept the

resistance of the counties, by fair means or foul, by force or by bribing the impecunious "nobles," and so obtaining a majority at the county meetings over the intelligent opposition.

¹ Francis saw a revolutionary spirit where there was only conservatism anxious to maintain constitutional rights, and wished to indict the officials of Bars, but the attorney-general (*Causarum Regalium Director*) informed him that there was no law under which they could be indicted, and that the only result of prosecution would be to show up the illegality of the Government's action in the whole matter of taxes and recruits.—Marczali, *A Legujabb Kor Története*, p. 297, Budapest, 1892.

² Michael Horváth, *o.c.* vi. 246.

³ xiii. of 1790-91.

⁴ Address of Somogy County.—Marczali, *A Legujabb Kor Története*, p. 299.

second alternative and to adopt a comparatively constitutional attitude;¹ and though the Diet was summoned ostensibly only for the purpose of crowning Queen Carolina Augusta, and though Francis made no secret of the fact that he had no intention of complying with his legal obligation to summon the elected representatives of the nation at fixed intervals, the opportunity of airing grievances and of re-establishing the Constitution in accordance with the spirit of Law x. of 1790 was greeted with the utmost enthusiasm. With the opening of the Diet at Pressburg on September 11, 1825, began a new era of political development which ended with the capitulation of Világos twenty-four years later.

¹ Metternich claims the credit.—*Memoirs*, vol. v., letter to Gentz, Sept. 28, 1825.

CHAPTER IX

METTERNICH'S success abroad blinded Europe to the inherent rottenness of the new-fangled Empire, and made it forget that Austria, as a united nation, was a diplomatic fiction, and consisted in reality only of a narrow bureaucracy, a disorganised army, an empty treasury, an all-powerful secret police, and a degenerate dynasty. For the last alone could any enthusiasm be expected from the monarchy's sole constituent race which was not a mere fragment of some greater political entity, and a time was bound to come when the policy of passive resistance to Viennese encroachment must give place to another ; when the Magyars would no longer be contented with "fencing round" their Constitution, but would see the necessity of advancing in the direction indicated by the liberal ideas of England and France. The weakness of the political situation lay in the fact that owing to a series of unconstitutional monarchs all energies had been directed to the maintenance of historic rights and not to the passing of progressive legislation. The change from mere defence to active progress is the characteristic feature of the period which was inaugurated by the convocation of the Diet of 1825.

The blackest darkness preceded the dawn. We are told that it is a mistake to suppose that Metternich had unlimited power over Francis, that while he ruled Europe he never ruled Austria or Hungary, and that

in matters of internal government he was purposely kept at arm's length.¹ Be that as it may, it was certainly Metternich who persuaded the King of the necessity of preventing Hungary from coming in contact with the notions of the outside world, in order to perform "the task which Austria had undertaken of forming a dam against the extension of the movement in favour of the principle of the sovereignty of the people which was spreading west of her."² The essence of the so-called Metternich system was "zealous opposition to every concession which would weaken the power of the monarch either at home or abroad. It was a gigantic task to take the field against the spirit of the age. No one Government could succeed in it alone. So long as the two great Powers, Austria and Prussia, followed the same path hand-in-hand, the supreme power could maintain an undiminished control; but as soon as the King of Prussia decided to share his authority, though only in certain matters, with the estates of the realm, it at once became evident that the collapse of the autocratic principle must soon follow in both countries. . . . The out-and-out negation of the principle of a division of power, a principle which the King of Prussia had half recognised, became the task of Austria alone in Germany and Western Europe."³ For the execution of that task, so far as Hungary was concerned, Metternich found willing helpers in clerical obscurantists, and useful instruments in the spies of Count Szedlniczky, Chief of the Secret Police since 1817. The spy-system, first applied in Austria, was extended to Hungary, where, before long, no official could keep his place unless he was in Szedlniczky's good books. The secret police took no notice of

¹ *Genesis der Revolution in Oesterreich*, 3rd ed., 1851, p. 15 (by Count Hartig, the Austrian Minister). Metternich said of himself: "J'ai gouverné l'Europe quelquefois, l'Autriche jamais." See also Stiles, *Chargé d'Affaires of the United States in Vienna, Austria in 1848-49*, London, 1852, i. 61.

² Hartig, *o.c.* p. 12.

³ *Ibid.* *o.c.* p. 7.

Hungarian authorities, but took their instructions solely from Vienna. The introduction of foreign newspapers was forbidden ; passports could be obtained only with the greatest difficulty ; and only strong backstairs influence could obtain leave for Protestants, desiring to become professors, to visit foreign universities. Innumerable protests from counties and individuals were addressed to the King, claiming that the behaviour of Hungary during the late wars justified it in looking for something better than suspicion, and warning the Government of the consequences of its policy.¹ In spite of oppression, and partly in consequence of it, the party of progress and patriotism increased in strength. Excessive severity was the cause of the censorship's failure ; the best foreign works were smuggled into the country, and forbidden fruit is proverbially attractive. The process of literary revival which began at the end of the reign of Joseph II. had never entirely ceased. The national literature was the begetter rather than the result of a national ideal, and the revival of letters was the chief cause of the gradual substitution of ideas of patriotism allied with progress for the narrow conception of that sentiment which had hitherto existed. Hungary was still suffering from "insularity." While the great nobles, austrianised by Maria Theresa, looked upon the Magyar language as a gipsy jargon, and, fearing the doctrines of liberalism and the loss of class privileges, stood shoulder to shoulder with the partisans of autocracy, the majority of the lesser nobles or gentry were inclined to be stagnant or retrograde ; to believe that what Magyar country gentlemen did not do could not be worth doing ; to be satisfied with the vegetable existence described in Eötvös's novel, *The Village Notary*, or to indulge in a swaggering prodigality exemplified by the *Magyar Nabob* of Maurus Jókai. It was therefore essential to win back the great absentee

¹ Horváth, *Huszonöt év*, i. 78.

nobles to Hungary, to develop a less narrow form of patriotism, and to enforce recognition of the possibility of progress and of the substitution of a positive for a negative programme. There was plenty of scope for the energy of reformers. The peasants were practically in the same position as that which they occupied before the importation of the Habsburgs. The right of migration had again been conferred on them in 1790, and the school system established by Maria Theresa had done something for their intellectual improvement ; but though many landowners did all they could to improve the condition of their peasants the *régime* of the stick continued, and the great mass of the population, both Magyar and foreign, had no political rights, and consequently were not interested in the maintenance of Magyar nationality.

The gentry, who produced most of their own requirements, were tolerably well off, but the depreciation of the currency made it difficult for them to maintain their standard of living, as nearly all articles of luxury required to be imported. Want of capital made the introduction of agricultural improvements an impossibility, and the raising of loans was hampered by the antiquated and exaggerated system of entail. The want of proper means of communication, of good roads, and of the regulation of the waterways, and the consequent difficulty of disposing of raw products, were severely felt, while the Austrian tariff system deliberately stifled Hungary's modest attempts to emerge from the position of a purely agricultural country. The Catholic clergy, who enjoyed the rights of nobility in virtue of their office, turned their eyes to the Government—the dispenser of preferment—and generally cared more for their prospects of promotion than for the constitutional rights of their country. With the increase of the wealth and importance of the towns, the, largely foreign, urban population had become discontented with the limitation of its political privileges,

and hostile to the Magyar nobles, who, seeing in the organs of municipal government nothing but an alien oligarchy and a tool of Austrian autocracy, were justified in objecting to an increase of the influence of a permanently reactionary element. As it was, the Government's control of the Diet was excessive. The *Personalis Praesentiae Regiae locum tenens*, or president of the Lower House, was not elected by the members but was appointed by the King; and the High Court of Justice¹ provided the clerks and other officials, who consistently used their influence in favour of the Crown. Resolutions of the House were drawn up by an official of the High Court, and were handed to the Magnates by a deputation drawn from all classes of members; and the refusal of the Upper House to transmit such resolutions to the King, without even taking the trouble of considering them, nipped many salutary measures in the bud. An exchange of messages repeated ten times or more between the two Houses was no unusual occurrence; and if the two Houses finally managed to agree on a principle,² endless opportunities of quibbling and obstruction were afforded by the process of settling the form of the measure (*concertatio*) to be submitted for the royal sanction.³ Delay is fatal to enthusiasm; members got bored with a subject owing to the procrastinating tactics of the Government, or changed their minds from conviction, or for the reason that the offer of place or title made it worth while for them to do so. The Upper House,⁴ in which high officials and

¹ The judges had seats in the Lower House, but did not speak or vote.

² The holding of a *sessio mixta* of the two Houses was an extremely rare occurrence. Law xxvi. of 1790-91 *re* the Protestant religion was passed in such a session.—Beöthy, *o.c.* i. 797. *Re* the exchange of messages, see Eötvös, *Reform*, 11.

³ Horváth, *Huszonöt év*, i. 165, says that the Government, in drawing up the text of laws, always tried to make it as obscure as possible in order to be able to give its own interpretation to inconvenient enactments. Horváth was a member of the Hungarian Ministry in 1849.

⁴ In 1844 there were 165 members, de Gerando, *Über den öffentlichen Geist in Ungarn*, p. 63. About thirty-four were ecclesiastics.

ecclesiastics were present in overwhelming numbers, was the stronghold of the Court party, and its unlimited powers of obstruction could reduce the progressives to almost permanent impotence. At the elections of 1825 a considerable number of Magnates caused themselves to be elected members of the Lower House¹ in order to avoid condemnation to comparative inactivity in an assembly which was generally regarded as hostile to the interests of the nation.

The instructions given in 1825 by the various counties to their members agreed in demanding that steps should be taken to prevent a recurrence of the illegalities which the Government had recently perpetrated, and to "fence round" the Constitution; but they contained little or no indication of a desire for far-reaching reforms except as regards the customs tariff. For the most part they were limited to a demand for the establishment of an institution for the training of Hungarian officers (the Ludoviceum), and its corollary, the exclusive employment of Magyar officers in Magyar regiments; for the recognition of Hungarian as the official language instead of Latin; for the convocation of the Diet every three years; and for the establishment of a Hungarian bank with power to issue notes.² The moderation of these demands seems to have astonished Metternich, to judge from the letters he wrote a few days after the opening of the Diet. "A good spirit prevails, but a great deal of inexperience is evident. The fatherly attitude adopted by the Emperor in his speech has taken the Estates by surprise, and, as is usual in such cases, has inspired them with great enthusiasm. . . . Certainly a democracy does not exist here. The struggle goes on

¹ In which the Court party consisted only of the ecclesiastics, the urban representatives, and the members of the High Court. Most of those who had distinguished themselves in the counties by activity in resisting the recent illegalities were elected.

² Horváth, *Huszondi évi*, i. 149 sq.

between the pure Royalists and the friends of the Constitution.”¹ The speech in question contained the usual platitudes ; as usual with the Habsburgs, the King posed as the champion of the Constitution which he had deliberately set at naught. “I ask nothing from you but zeal in taking measures for the increase of your own happiness and that the Constitution of the Kingdom may be fenced round and strengthened, and so be handed down to my descendants for the benefit of the Magyars, whom I regard as my beloved sons.” The enthusiasm with which this expression of constitutional sentiments was received was somewhat damped by the King’s reply to the first Address received from the Diet, in which that body complained that in direct contravention of Law x. of 1790-91 the country had been governed by royal edicts, in the same way as the hereditary provinces of Austria were governed ; and that taxes and recruits had been collected by force. The Address declared that the principle that the convocation of the Diet depended on external circumstances and not on the Law was indefensible, and demanded that the representatives of the nation should be summoned every three years and that all officials should swear fidelity not only to the Throne but to the Constitution as well, and should be prosecuted if they violated their oath. The reply rebuked the Diet for wasting time ; recorded the fact that His Majesty “noted with regret that many matters were again warmed up which had better have been forgotten,” and justified the failure to summon the Diet for thirteen years on the ground of want of time and of suitable opportunities. The dissatisfaction evoked by this rescript induced the Palatine to press for a more satisfactory pronouncement. In a second rescript the King protested that nothing could be further removed from his intentions than an attempt to interfere with

¹ *Memoirs*, September 26, 1825, vol. v.

the Diet's control of taxation and recruiting, and that the apparent misconception of his motives "pained his paternal heart." He further pointed to the fact that a law already existed providing for the summoning of the Diet every three years (as though that superfluous observation were of itself a sufficient answer to a complaint that the legislative assembly had not, in fact, been summoned since 1812), and expressed his willingness to convene it at even shorter intervals if necessary.

The receipt of this assurance, which was regarded as a proof of the King's intention to turn over a new leaf, encouraged the progressive party to begin the work of reform. Law viii. of 1741 had affirmed the principle that the payment of taxes was a personal obligation of the peasants in occupation of allotments, and not a charge on the land itself, which, consequently, if occupied by a noble was exempt from taxation. A resolution was now carried, condemning the inequitable system, and the thin end of the wedge was driven into the principle of the nobles' immunity from taxation, the abolition of which, even to the limited extent now proposed, would materially lighten the burden borne by the peasants, as the number of nobles in occupation of land was large, and the consequent increase in the ranks of the taxable would be considerable. The Hungarian language next claimed attention. / It was pointed out that it was nothing less than a scandal that the study of the national idiom should be regarded as of less importance than that of a dead language, that Catholic priests should think that a knowledge of any tongue but that of their own ritual was superfluous, and that the German and other foreigners who made their money out of the Magyar population should refuse to learn the language of their adopted country. / Paul Nagy suggested that the prime necessity was the establishment of a Hungarian academy, whose

1207

members should devote themselves to the task of polishing and developing the language and of encouraging its use ; "but all this is vain talk," he exclaimed, "while those who could do most in this direction hang back. The chief necessity is money, money, money." His words did not fall on deaf ears. Count Stephen Széchenyi, a member of the Upper House, promptly offered a year's income, some sixty thousand florins ; many others followed his example ; subscriptions poured in ; a committee was appointed to carry out the scheme outlined by Nagy, and a new era in the history of the Hungarian language began.

At first quite a sensation was caused in the Upper House when Széchenyi addressed it in Hungarian, but soon others followed suit, and in a short time the importance of the national idiom as the best preservative of Magyar nationality was generally recognised. The proposal that Hungarian should thenceforth be the official parliamentary language met with some opposition on the part of Croatian representatives and of some Hungarians of Upper Hungary, where Austrian influence was strongest, and it was evident that the Court was anxious to do all it safely could do to prevent the realisation of Magyar aspirations. The King's reply to the request of the Diet that laws should thenceforth be published in Hungarian as well as in Latin, a request that had already been formulated in 1811 but without success, was evasive and unsatisfactory, and afforded further proof in Hungarian eyes of the hostility to the idea of Magyar nationality of a King who saw no objection to issuing proclamations in Hungarian at the time of the French war, when the enthusiastic loyalty of his Hungarian subjects was a matter of vital importance, but would make no concession when he felt his position to be secure. In reality there should have been no question of gracious concessions ; in this, as in other matters, the Diet asked nothing but that to which it was entitled, and the

Palatine admitted to Széchenyi that he knew of no law which prohibited a Hungarian from using his native language. But the Court thought otherwise, or affected to do so, and, except for the foundation of the Academy, the session of 1825 marked no advance in the direction of establishing Hungarian as the official language. And, indeed, the general legislative gains of the Diet were infinitesimal. Academic resolutions, and fresh paper guarantees of constitutional rights, could hardly be looked upon as a result commensurate with the energy and enthusiasm manifested by the progressive party.¹ "His Majesty, being entirely convinced that his own and the Kingdom's welfare is based solely on the punctual observance of the law, and that if any part of His Majesty's rights or of those of the Estates be lost, the entire legal edifice established by centuries of use would collapse, has graciously thought fit to declare that it is his chief care to defend and maintain the Constitution, and to cause others to maintain the same, more especially Laws i., x., xii., and xix. of 1790"² (Law iii.). "His Majesty assures the Estates that in the matter of recruits and taxation he recognises the binding force of the laws of 1715-18 and 1790-91, and that he will not cause any change to be made in the nature or amount of taxation without the consent of the Diet" (Law iv.). "As custom and the experience of centuries proves that the holding of the Diet is the chief promoter of the welfare of the Kingdom, and a beneficent remedy and preventive of grievances, His Majesty assures the Estates and Orders that he will not fail to give effect to Law xiii. of 1790, relating to the

¹ In the 1825 Diet, questions were for the first time decided by direct voting. Hitherto the Personalis, after hearing the chief speakers, declared the motion carried or rejected on the principle that "*vota non numerantur sed ponderantur*." As he was a nominee of the Government the result of such a principle may be imagined.

² Recognising the independence of the Kingdom and the division of legislative power between King and Diet, *supra*, p. 232 sqq.

Diet"¹ (Law v.). The expression of constitutional sentiments contained in the new laws must have been too familiar to excite much enthusiasm, as in the past such declarations were generally the precursors of a fresh period of autocratic illegality. At the same time it was not discouraging. Though the session came to an end, the political activity of the members did not cease. Numerous committees laboured unceasingly at the work of laying the foundations of constitutional reform, and of preparing the materials intended to be utilised at the coming meeting of the representatives of the nation, now, perhaps for the first time, imbued with the idea that their duties were not confined to maintenance of the constitutional *status quo*, or to the promotion of local rather than of national interests.

The fear of complications with Russia made it necessary that the Court should be on good terms with the Magyars, for a disturbed and discontented Hungary would make the re-establishment of the army on a proper basis, and effective interference abroad, an impossibility. Since 1815 the Hungarian forces had greatly decreased in numbers, and comparatively few volunteers came forward to fill the vacancies. Owing to the accepted principle, "once a soldier always a soldier," many of the rank and file had passed the serviceable age, and the establishment was several thousand short of the proper complement.² The Magyars entertained a rooted objection to military service in peace time and the Government did nothing to overcome their antipathy. The Hungarian regiments were full of Austrian officers, promoted over the heads of qualified natives, and the fact that it was the settled policy of the Government to keep down the number of Magyar officers was proved by its refusal to sanction the establishment of the Ludoviceum projected as long ago as 1808.

¹ Providing for its convocation every three years.

² Marczali, *A Legújabb Kor Története*, 312.

Further, the use of the military to enforce the illegal collection of taxes made the army unpopular, and caused it to be looked upon as the blind instrument of an alien and hostile Government. The committee appointed to consider the whole question wished, now that in the days of scientific soldiering the *levée en masse* was out of date, that every noble should serve for a period as a private soldier as a condition precedent to eligibility for public office, an innovation which would soon have provided a national army controlled by the national representatives ; but this was the last kind of force which the Government wished to bring into existence.

In 1830 Metternich again urged the necessity of convening the Diet. It was as well that he did so, as before the session began the July revolution had taken place in France, as well as revolutions in Germany, Italy, and the Netherlands. The proclamation which summoned the Diet referred to the proposed coronation of Ferdinand, the heir to the throne, in accordance with ancient precedent, and to the necessity of voting recruits to fill the vacancies in the Hungarian regiments, "the model of bravery," and promised a satisfactory reply to the statement of grievances presented during the past session, and a reference to a special commission of the question of re-annexation to the mother-country of the parts which had been torn from it and never returned, in spite of unceasing protests. Fortunately, the Hungarian chancellor, Adam Reviczky, possessed the confidence not only of his countrymen but also of the King, whom he convinced of the legality of the position adopted by the Opposition, and of the impossibility of silencing the party of reform, which wanted no violent innovations—only that the King should put himself at the head of the movement and be the first gentleman of Hungary.¹ Thanks to Reviczky, the secret police of Vienna, hitherto the chief source from which

¹ Marczali, *A Legujabb Kor Története*, 317.

Francis drew his information about Hungarian men and matters, temporarily ceased its baleful interference, and the relations between King and people assumed a more satisfactory aspect.

The question of the military contingent was the first matter for discussion. The House demanded an explanation of the Government's reason for requiring recruits, and though the Personalis objected to the demand on the ground that it constituted an interference with diplomatic affairs outside the purview of the Diet, the majority insisted, the Court gave way, and the President of the War Council was deputed to give the necessary explanations. The recruits were thereupon voted, the House declaring in its resolution that it did not wish to fall short of the standard of patriotism and fidelity to the dynasty set by its predecessors in the time of Maria Theresa, and that in the case of unwarrantable attack on the country, it was prepared to make the utmost exertions to provide for its defence.¹ This episode was important, not only from the military standpoint, and for the reason that it showed Europe that Hungary, as hitherto, identified its interests with those of Austria in face of the possibility of foreign complications, but still more so from the constitutional point of view, as it established the Diet's right to receive information as to the facts which necessitated an appeal for recruits on the part of the Government, and amounted to a recognition of Hungary's right to make its voice heard on questions of foreign policy. The required contingent was not voted without a considerable amount of acrimonious discussion. The fact that corporal's rank could not be attained without a knowledge of German, and the dislike of Austrian officers and Austrian uniforms were emphasised as the chief causes of the unpopularity of the service. It was pointed out that often ten, or even fifteen, foreign officers were to be found in the higher

¹ Marczali, *A Legnagyobb Kor Története*, 317.

ranks of a single Hungarian regiment, and that no Magyar, however competent, could expect promotion to a higher post than that of captain.¹ The Lower House threatened to refuse the vote unless reference were made in the resolution to these grievances, and the reactionaries had to give way. The text, as finally settled, stated that the recruits were voted "on the Diet being informed as to the position of foreign affairs and of the Hungarian forces, as a special grant in view of exceptional circumstances, which must not be regarded as constituting a precedent for future use." "Inasmuch as the prompt reward of professional merit would spur the military to exert themselves in their profession, His Majesty has been pleased to assure the Estates that he will carefully bear in mind the provisions of Law ix. of 1792 and i. of 1807, and will appoint born Magyars to the command of Hungarian and frontier regiments, and to the rank of General and to the Staff." As usual, the royal promises were made only to be broken, but the fact that the King accepted the conditions of service insisted upon by the Diet, and so reaffirmed that body's right to decide questions affecting the "internal organisation" of the army, gave permanent importance to the law of 1830.²

In the same year the language question received further consideration, and the desire of the Government to get the military contingent voted made it more disposed to be accommodating than it had hitherto been. Even in Croatia there was little disposition to resent the placing of the Hungarian language on a footing of equality with

¹ Horváth, *Huszoni évi*, i. 239-40. Paul Nagy named a Hungarian regiment in which only twenty-two officers out of fifty were Hungarians.—Marczali, *A Legújabb Kor Története*, 318.

² The immediate grant of 28,000 recruits was voted, and of a further 20,000 in the event of Austria being invaded before October of the following year. The period of service was fixed at ten years. Recruits on proof of unavoidable necessity for their presence at home must be allowed to return. The number of recruits to be provided by each district is to be determined by the Diet, which even fixes the minimum height for eligibility for service, etc.

Latin, until such time as the use of Hungarian should become universal among the Croats. Several Croatian members spoke in favour of the extended use of that language, none against it ; and at a meeting held at Agram the Croatian electors gave instructions to their deputies to the Diet, which deserve to be recorded as an answer to the charge brought against Hungary of attempting the forcible magyarisation of other races. "The Estates and Orders, recognising the necessity of spreading the knowledge of the Magyar Language in these Kingdoms (Croatia, Slavonia, Dalmatia) *in order that a closer bond may bind them to the Magyar Kingdom*, request their Deputies to use their endeavours in order that the Hungarian language may by law be made a regular subject of instruction."¹ The language question was, in fact, made the subject of legislation, and the King sanctioned a measure which provided (Law viii.) that the Council of Lieutenancy should reply in Hungarian to all communications addressed to it in that language, and issue its instructions in the same idiom ; that the Court of Appeal should use the Hungarian language when considering Hungarian cases ; that local courts should do likewise except where Hungarian was not in general use (*e.g.* Croatia), in which case their deliberations might be conducted either in Latin or in Hungarian ; that in future no one should be eligible to public office who was ignorant of the latter language, or, after 1834, be admitted advocate. Further, it was enacted that all military officials in Hungary, including those of the frontier establishment, should be bound to take cognisance of all communications addressed to them in Hungarian. All this marked a considerable advance in the desired direction, though the patriotic party in the Lower House failed to realise one of its chief desires, namely, that Hungarian should be made the language of command in Hungarian regiments, experience having

¹ Marczali, *A Legujabb Kor Története*, p. 323.

shown that the difficulty of obtaining recruits was largely due to the use of German, and to the employment of Austrian officers and non-commissioned officers to the exclusion of qualified Magyars.¹

In all directions indications were to be found of a revival of a spirit of nationality and of a desire for reform. It might be said that the same manifestations were visible, though in a lesser degree, in the early years of the previous reign, but in truth, at that period, the desire of the nobles to obtain fresh confirmation of their privileges was the mainspring of action, and the prospect of the spread of the liberal notions of Western Europe excited almost as much fear in the mind of the upper classes of Hungary as in that of the Austrian Government. The constitutional guarantees then obtained did not put a stop to the traditional germanising policy of which Joseph II. had ✓ been the chief exponent, or to the attempts to surround Hungary with a Chinese wall, which should prevent the possibility of contact with the ideas of the outside world. The vast majority of the educated population still failed to realise how backward the country was both materially and politically, as compared with its western neighbours ; and what guarantee was there that the country would not again relapse into a slumber of apathy and self-satisfaction—hypnotised by momentary success in obtaining fresh paper guarantees of the maintenance of its ancient Constitution ? The spirit of retrospective patriotism had indeed been aroused by the literary revival to which reference has already been made ; but the credit of having turned men's eyes to the future, of having created a desire for progress and compelled the recognition of its necessity, was due almost entirely to the genius of an individual. From the moment when Count Stephen Széchenyi made his offer of a year's income, as a first contribution towards the cost of establishing a Hungarian

¹ Horváth, *Huszonöt év*, i. 233.

Academy, he became a marked man. Born in 1791, son of Count Francis, the founder of the National Museum, who died "despairing as a Magyar," Stephen Széchenyi entered the army, but finding therein no field for his energies, no prospect of obtaining the advancement habitually denied to capable Magyars in the Austrian service, left it in 1826 to travel in France and England, where his eyes were opened to the possibility of material and political progress unknown to Hungary. He conceived the idea of regenerating his country, and thenceforward devoted his whole energies to the task of preparing himself for what he conceived to be his mission. At first, while still under the numbing influence of the years passed in the Austrian service, he appears to have considered that Hungary must find salvation in the general welfare, and as a subordinate factor, of the Austrian monarchy; that the ideal of a practically independent Hungarian monarchy, of a Magyar Holland, without its commercial prosperity, was antediluvian and unrealisable. His conviction that Hungary was neither desirous nor capable of regaining its national independence was modified to some extent at a later date, but it was the guiding principle of his whole career that material regeneration must precede constitutional reform, and that the first duty of a patriot was to force this view on public opinion. His first effort in the desired direction was the publication of a book on *Horses*, in which he showed how antiquated the notions were which prevailed in Hungary on the subject of horse-breeding, and pointed out how much more profitable it would be to adopt modern methods of improving the breed, as in England. With a view to encouraging such improvement, the first horse-races were held under his auspices at Pest, and in order to facilitate intercourse and contribute to the formation of public opinion, he founded the National Casino, the establishment of which was followed by the formation of similar clubs in many of the chief towns of

Hungary—a potent factor in the development of the political education of the upper classes.

In 1829 his first great book appeared—*Credit*.¹ Every intelligent person read it and quarrelled over it, agreed with its tenets or burnt it as unpatriotic, and Széchenyi's reputation as the apostle of national regeneration became firmly established. The book begins by addressing a rebuke to those who see patriotism in mere opposition to Austria, "and salvation in vain insistence on a catalogue of unredressed grievances. Let us not seek the cause of our backward condition solely in the Government. Let us not stay motionless in our old state of stagnation merely because the Government has not removed every obstacle to our well-being. Instead of everlasting complaints, sterile recriminations, and idle demands, let us set ourselves to work; and if everywhere the road does not lie clear before us, let us at least try to develop ourselves mentally and morally, and increase our material well-being, where and when, and in what manner it is possible to do so." The causes of Hungary's poverty are enumerated in turn; its antiquated agricultural methods; the absence of the requisite capital; and before all the want of *credit*, due to the feudal relations of landlord and peasant. The landowner is tied hand and foot by the antediluvian system whereby, in accordance with the law of 1351, land is entailed down to the most distant member of a family² on the death of whom the ownership reverts to the Crown, without the regard to claims of creditors,³ the result of which is that no one can lend money on land owing to the impossibility of realising his security. The peasant has no interest in the country beyond the "reward of his labour," as Verbóczy put it over three hundred years ago, and the forced labour of serfs notoriously

¹ "Hitel," *Gróf Széchenyi István Munkái*, vol. i. Budapest, 1904.

² *Ösiség, jus aviticitatis*. According to Horváth, *Huszonöt év*, i. 420, there was hardly a family in the country which was not engaged in a lawsuit as to the title to property.

³ *Fiscalitas*.

produces only a third of the result obtained by hired hands or peasant ownership. Trade is practically non-existent, owing, partly, to want of proper means of communication and to the idea that road-making consists in heaping mud on mud, in consequence of which it is more troublesome to go to Vienna than to Philadelphia. The inconsiderable home market is made still smaller by the absenteeism of the great landlords, while export is hampered by duties, by continual governmental interference, and by guilds and monopolies which operate in restraint of trade. The establishment of a national bank to provide the money for improvements and for the encouragement of enterprise is one of the chief national requisites ; but before all the whole nation must be welded into one, and to this, and to the maintenance of nationality, the development and modernisation of the national language is a condition precedent. Progress is visible in all directions, except in Hungary, where people still are satisfied with the contemplation of a glorious past, believe that "*extra Hungariam non est vita*" and see no necessity for educational development and a wider horizon. "They are wrong who say Hungary was. I love to believe that Hungary will be."

The book, which jumps from one subject to another in bewildering fashion, appeals rather to the imagination than to the intelligence. It speaks much of the essential necessity of credit, but gives little practical indication of the way in which the desired object is to be attained. It is full of Bentham and Adam Smith, and the charge of Anglomania brought against it by its chief but ineffective critic, Count Joseph Dessewffy, was undoubtedly justified. Széchenyi replied to his opponents in a second volume, *Light*,¹ in which he develops the thesis enunciated in *Credit*, convinced those whom his first effort had left doubting, and drove not one nail, but many, into the

¹ "Világ," Gróf Széchenyi István Munkái, vol. ii. p. 39 sq.

coffin of the feudal relations of landlord and peasant. But the benefits he conferred upon his country did not end there. Had there been no Széchenyi, Hungary would have long remained in the old state of somnolence and stagnation, and would have waited for years for a first tentative effort to be made in the direction of economic development.

His next book, *Stadium*, written in 1831, forbidden by the censorship, and printed abroad two years later, is less emotional and more constructive than his previous works. In it he formulates a distinct programme in twelve sections, the most important points of which are the abolition of exaggerated entail; the commutation of the Crown's reversionary right for the payment by each successive owner or purchaser of one per cent of the value of the estate; the extension of the right to own land to all members of the community; the equality of all before the law; contribution to the cost of parliamentary and local government by all classes, not only by the non-nobles as hitherto; and the abolition of monopolies and trade guilds. Further, he demands that the Council of Lieutenancy shall be the only intermediary between the King and the nation, which would thus be free to work out its own political salvation, freed from the numbing influence of Austrian bureaucracy, and that in Hungary no law, order, or judgment which is not couched in the Hungarian language shall have any force or validity. Széchenyi was convinced that if once the land were freed, if all classes could become landed proprietors, complete emancipation would follow, and that the nation would consist of ten million freemen, which, politically, had hitherto consisted of eight hundred thousand privileged persons. The race, he said, must die if nine millions continued to be excluded from the possession of rights which should belong to the nation as a whole. Freedom for all is essential to material prosperity; "the steamship cannot endure the smell of

feudalism," and for every shilling the nobles give up they will receive back eighteenpence in another form. Let them have the courage to cast their bread on the waters, and they will soon find it again.¹

Széchenyi was anxious to proceed hand in hand with the Government, not in spite of it, and this wish influenced his whole career. Therein lay his mistake. He failed to see the uselessness of expecting any good from the Vienna of Metternich, which looked on Hungary merely as a colony to be exploited in the interests of Austria, and as the possessor of a Constitution which required not reform but abolition.² It must be remembered that the last word in all matters rested with the Crown, and that the King of Hungary was never a match for the Emperor of Austria. Every matter, though purely Hungarian, had to run the gauntlet of the Council of State in Vienna, and of the Conference of Ministers. The Hungarian Chancery, the Palatine, and the Treasury, did little more than register and give effect to the decisions of Vienna. There was no question of the power being in the hands of the majority in the Diet; the majority was always in

¹ The influence of *Hittel* and *Stadium* is clearly visible in the anonymous work, *Umrisse einer möglichen Reform in Ungarn*, said to have been written by Count George Andrassy, which appeared in 1833 and insists on the necessity of improving means of communication in order to attract the foreigner, of regulating the waterways, of encouraging improvements by means of proper patent laws, etc.—Part i. It complains of Austria's habit (which is still in favour in the twentieth century) of deliberately traducing the Magyars in order to alienate from them the sympathies of other nations, but makes the admission that "here there is no question of a nation, only of the interests of a few Magnates whose chains the nation has to endure."—Part ii. 17 n.

² "Die Regierung . . . so wenig eine reformirte Verfassung wie die Altbestehende liebte, und die Todtenruhe der deutschen Erbländer gern auch auf Ungarn übertragen hätte. Darum kann man aber auch den ungarischen Reichstag nicht tadeln, dass er den Widerstand bis auf das Äusserste trieb, und sich freiwillig nicht beugen liess. Er hatte nicht zu wählen zwischen der bestehenden, theilweise veralteten Constitution und einer neuen vernunftgemässen Verfassung, sondern zwischen der Herrschaft des Gesetzes und der Regierung durch Cabinetsbefehle."—Anton Springer, *o.c.* i. 198.

opposition, not in office, hence the essence and foundation of parliamentary government were wanting. The opposition, since 1825, was the originating, creative force, while the Government was the drag on the wheel, and relied for the successful prosecution of its policy of inertia on the traditional hostility of the greater and lesser nobles, and of Protestant and Catholic, which was now fast disappearing. Party organisation and discipline of the English type were unknown. Every fresh question was liable to weaken or destroy such slight cohesion as existed, and it was only the influence of individuals which served to maintain some semblance of unity of action, which the changing and contradictory nature of the "instructions" of the constituencies, the mutual distrust caused by the acceptance of office by some of the most important members of the reform party, and the attempts of the Government to sow discord among its opponents,¹ did much to diminish. The Magnates were hypnotised by Court influence and prestige, and the party of progress in the Upper House was in a hopeless minority. The place-hunters and the bishops cast their votes in favour of reaction with machine-like regularity, the former for obvious reasons, the latter because they were aware that the curtailment of the privileges of the nobles would lead to the diminution of their influence, both as ecclesiastics and as the largest landowners in the country.² The steady opposition of the Government party to the proposals of the Lower House gradually wore out the patience of the elected representatives, who, not unnaturally, ended in many cases by losing the enthusiasm for reform with which they had begun the session. The

¹ Louis Wirkner, author of the memoirs frequently cited below, an agent of the Vienna Government, did much to undermine mutual confidence.

² In old days their tenure of land was to a large extent subject to the performance of military duties, the maintenance of fortresses, and the supply of troops. These obligations had long ceased, but the bishops retained their estates.

proceedings of the Diet tended to degenerate into a haggling-match in which the *vis inertiae* of Magnates and retrograde ecclesiastics was bound in the long run to defeat the efforts of the representatives of public opinion.

As a matter of fact, it was not always possible to know what was the trend of public opinion at any given moment on any particular subject. The Press at this period possessed but little weight, and the counties were always liable to alter the instructions given to their deputies. It was not unusual for a member to speak in favour of a motion and yet be obliged to vote against it, in consequence of the receipt of a fresh mandate from his constituents. The binding force of these instructions naturally lessened the authority and originating power of the Diet, tended to prevent the development of the true form of parliamentary government, and made it impossible to predict with certainty the fate of any measure, however great the enthusiasm which greeted its introduction. Of enthusiasm there was, in fact, plenty since 1825; the catchwords of reform were in every one's mouth; many travelled in order to inform themselves as to the economic and political progress of foreign nations, more especially of England and France, and a feeling of shame was caused by the idea that Hungary did not stand in the same rank as other European nations. Hence the seed cast by Széchenyi did not fall on barren ground. Since the July revolution even Metternich was inclined to the belief that the best preventive of similar outbreaks was the encouragement of ideas of moderate reform; and the violence of the peasant disturbances brought about in 1831 by the cholera, and by the belief that the medicine provided at the expense of the Government was intentionally poisoned, confirmed his newborn opinion that only increased educational facilities and the improvement of the material position of the country population could prevent the recurrence of the outrages to which the

landlords were subjected. The great nobles shared Metternich's views, and the idea of the necessity of some measure of reform which should better the condition of their tenants, but at the same time should not undermine their own privileges, gradually took shape in their minds. Few, however, were far-sighted enough to realise the fact that half-measures would not suffice to stop the rising flood of discontent ; that the tide which had swept over France and Germany could not be stopped at the Hungarian frontier, or that the greater the receptivity of Hungary for foreign ideas, the greater its ability and determination would be to maintain its national individuality and to work out its salvation on its own lines.

1832. When the time came for the reassembling of the Diet, though the majority of the counties, which ascribed the poverty of the country to the gerrymandered customs system, put commercial and tariff reform in the forefront of their programme, Reviczky wished to obtain prestige for the Government by giving the impression that it was itself at the head of the reform movement, and to begin with the line of least resistance—the reform of the relations between landowner and peasant, and of judicial procedure. The King's speech, therefore, referred specially to these two questions, but as the Government gave no indication of the length to which it was prepared to go in its concession to the ideas of the progressive party, there is justification for doubting its good faith, and for believing that its anxiety to begin with the discussion of urban relations was due to the belief that that subject of all others was calculated to bring about a split in the ranks of the Opposition, and that the raising of awkward questions and the warming up of old grievances would be thereby avoided. On the one hand were politicians of the type of Paul Nagy, who said that it was useless to “fence round” the Constitution so long as it protected

the interests only of a privileged class, and the millions of non-nobles were left outside the pale ;¹ on the other were those, found even among the members of the Lower House, who raised their voices in opposition to the policy of concession to the peasants on the ground that it would destroy the independence of the country : as if, as Deák said,² everlasting servitude, the landlord's judicial powers, and the *régime* of the stick formed the only foundation of the Hungarian Constitution. The Catholic bishops were also against emancipation, "trembling lest that rock should split on which Peter's Church is built" ;³ but the great majority of elected members were on the side of the angels ; with them there was no question of fighting for profit or privilege, but for permission for self-sacrifice in the interests of an oppressed class. The Government was always glad to lighten the burden of the peasants at the expense of the landowners, and to pose as the protector of the poor, but it had no intention of giving them real freedom, or of doing anything in the direction of emancipation which might tend to democratise the country. As before, it tried to undermine the Opposition in the Diet and in the counties by bribery and corruption, and in several constituencies succeeded in bringing about a modification of the liberal "instructions" which had been issued to the deputies.⁴ But the session was by no means barren of results so far as the peasant question was concerned. The small vexatious dues, the payment of which had not been interfered with by the ordinances of Maria Theresa,⁵ were abolished ; the *corvée* was reduced and regularised in such a way as to prevent the exaction of the landlord's rights from making it impossible for the peasant

¹ Marczali, *Enchiridion Fontium*, p. 798.

² Horváth, *Huszonöt év*, i. 398.

³ Horváth, *Huszonöt év*, i. 399.

⁴ Kölcsey, the noted poet, and one of the boldest champions of the peasants' cause, retired from the representation of his constituency, as, owing to the machinations of the Government, the liberal instructions given him on election were withdrawn.

⁵ *Supra*, p. 202 sq.

to give proper attention to his own land at seasons when such attention was most wanted.¹ The right of free migration, subject to the satisfaction of all debts whether of a public or private nature, and without the necessity of obtaining the landlord's consent, was conferred on the peasant²—after all but a small boon, for the peasant could only migrate to the land of another proprietor; he could not yet become a free man and have property of his own.

The spirit which animated the King and his advisers was clearly shown when the Bill which embodied these and other moderate concessions was submitted for the royal assent. After a delay of nine months, a reply was received, refusing consent to the most important provisions of the Bill, such as the permission thereby granted to commute all dues in perpetuity for a money payment, though such redemption had been allowed in Austria since 1772, without fatal democratic consequences. The King was perpetually under the impression caused by the French Revolution, and dead against emancipation, fearing that "it would bring into existence a new and hitherto unrecognised class, and that trouble might easily arise owing to a change of this nature."³ He even refused his consent to the abolition of the landlord's jurisdiction; but Deák and his followers did not abandon hope. Though the permanent commutation of dues did not receive legislative sanction, it was admitted in principle, as it was enacted that landlord and tenant might enter into contracts for the redemption of such dues by payment of a fixed annual sum, and some of the more liberal nobles at once took advantage of the permission. Further, a step was

¹ Law viii. 1836.

² Law iv. 1836.

³ See his conversation with Wirkner, the Government agent, *Élményeim*, 2nd ed. p. 71, which disposes of the oft-repeated legend that it was to the Crown that the peasants always had to look for their salvation. It must be admitted that the reforms of Maria Theresa and Joseph II. were introduced in spite of the nobles, who thought that the country must necessarily go to the dogs if their privileges were interfered with, but those reforms were due to economic, rather than humanitarian motives.

taken in the direction of peasant proprietorship by granting permission to the peasants to enclose for private or common use part of the land over which they and their landlords had joint rights of pasturage. During the same session a measure (Law viii. of 1741), which declared the payment of taxes to be a personal obligation of the peasant, not an incident of real property, was repealed, and of course in this case the royal assent was not refused, as the result of the law was a considerable increase in the number of tax-payers. As a large number of nobles now, for the first time, became liable to taxation, it was obvious that they would never rest until the rest of the privileged classes were in the same boat with themselves, and so the propagandists of emancipation would find fresh partisans in the ranks of the self-interested. The Government, therefore, did not enforce the new tax, but winked at its evasion in order to obtain the support of the now taxable "sandalled nobility," which, consequently, became a willing instrument in the hands of the retrograde. A further, though inconsiderable, breach in the privileges of the nobles, and a further advance in the direction of making the liability to taxation common to all, was effected by the passing of a resolution that all classes should pay toll at the suspension bridge which it was now proposed to erect between Buda and Pest in accordance with the cherished scheme of Széchenyi. Many nobles still regarded the obligation to pay taxes, no matter in what form, as a badge of servitude, and nothing illustrates the mental attitude of the ultra-conservative better than the fact that Chief Justice Cziráky¹ would never cross the chain bridge for the reason that he considered that the payment of toll was contrary to the principle of the nobles' immunity from taxation. But such fossils were fortunately rare, and the Diet, admitting the inequity of the existing system, in accordance with which the

¹ The author of the *Conspectus Juris Publici*.

unrepresented, non-noble, tax-payers bore the whole cost of its meetings, shifted the burden on to the shoulders of the privileged classes. The same course should in fairness have been adopted with respect to the expenses of local government, which were borne entirely by the class which derived least benefit from that institution. The *Pesti Hirlap*, the most influential of the newspapers, started an agitation in favour of a change of system, and some of the Conservatives, whose spokesman was Count Emil Dessewffy, gave it their support, but a "No tax" cry was got up in the counties, and the question did not come up for discussion by the Diet. Many nobles, however, thenceforth voluntarily bore their share of the expenses in question, and the change which was gradually taking place in public opinion was indicated by the fact that numerous counties took advantage of their statutory rights to admit non-noble members of the intelligent classes to take part in the deliberations of the local assemblies.

The general disgust caused in the ranks of the Liberal party by its inability to overcome the resistance of the Upper House¹ and of the Government to necessary reforms, made many consider the advisability of retirement from the unequal struggle as a protest against the absurdity of the existing system, and Deák had considerable difficulty in convincing them of the futility of a policy of boycotting the Diet, which could only have the effect of facilitating the task of the partisans of reaction. One of the greatest difficulties with which the Liberals had to contend, and one of the chief causes of discouragement, was to be found in the absence of proper means of informing public opinion. The Austrian and Hungarian

¹ The feeling entertained against that body first became really acute at the Diet of 1832-36, on account of the obstructive exercise of its powers of stopping legislation. "Mending or ending" was demanded, not on account of objections to the hereditary principle, but because it was felt that the Upper House was merely the tool of Vienna.

newspapers gave accounts of the proceedings of the French and English Parliaments, but none of those of the Hungarian Diet. The official journal of that body gave the most meagre summary of its transactions ; no members' names were mentioned, and no reference was made to the extra-Dietal meetings at which the real business of the Lower House was transacted.¹ Consequently, the constituencies and the country at large had but scanty means of informing themselves of the march of events and of the shifting currents of parliamentary opinion beyond that afforded by the presence at the meetings of the Diet of a considerable body of youthful politicians sent by the counties to serve a kind of political apprenticeship in the gallery of the House.² In 1825 the "instructions" of many counties referred to the need of having a proper official journal of the proceedings of the Diet, and that body expressed its desire for such an organ, which should confine itself to recording the speeches of members without comment, and should be subject to the censorship only of a committee of the House itself ; but when the required permission was demanded, the Government returned no answer, and the matter dropped, only to be raised again, and dropped again in 1832, when the President of the

¹ Most resolutions were taken in "district meetings" (*Kerületi ülések*) or committees held outside the House, in which the Government was not represented, and so exerted no influence. Originally the deputies of the two Tisza and two Danube districts sat separately, but at this period they all sat together, so forming a sort of committee of the whole House, excluding the members of the High Court.—Kmetz, *Kézjog*, 268, n. The result was that discussion in the Lower House was often reduced to a minimum, and the most important motions were declared carried on a cry of "Agreed" without more ado.

² In 1825 fifteen to twenty were sent by each county.—Horváth, *Huszonnégy év*, i. 298. In 1836 their number totalled 1200 or more.—Wirkner, *Élményeim*, p. 91. Filled with liberal notions and at the same time with devotion to the historic rights of the country, they exercised a considerable, and possibly undesirable, influence on the proceedings of the Diet. Reactionary speeches were greeted with demonstrations of disapproval, and the Government was justified in objecting to the existence of a noisy and disorderly chorus.

Lower House declared, amid protests from the deputies, that the right of censorship was the inalienable prerogative of the Crown. Louis Kossuth, who made his first political appearance at the Diet of 1832, stepped into the breach and began the issue of his lithographic reports of the proceedings of the Diet,¹ which, subscribed for by the county clubs, at once greatly increased public interest, subjected the members to the control of public opinion, and encouraged a healthy ambition. For a time the publication continued its bi-weekly appearance, but as soon as the Government got wind of Kossuth's enterprise it confiscated the lithographic press, and the policy of obscurantism again triumphed.

The Government was well served by its agents. Ferstl, an ex-officer, was head of the secret police, and "under his orders were those persons who were entrusted with the duty of observing the acts of the more conspicuous public men, and those whose function it was to give their opinion on the political questions of the moment," as Wirkner euphemistically styles the spies of Vienna.² Further, there were "at the head post-office two entirely trustworthy persons in charge of the so-called Black Cabinet. These opened the letters of those individuals whose views and intentions it was desired to know."³ As a matter of fact, there was no legal justification for police interference in Press matters. The Palatine issued a *pronunciamento* to the effect that no political or literary periodical could be issued without express permission from the King, but no law restricting such publication existed. A statute of 1790 (xv.) spoke of the freedom of the Press, which was thereafter to be regulated according to law, but there was no legislative justification for the existence of a

¹ *Országgyűlési Tudósítók.*

² *Élményeim*, p. 67.

³ *Élményeim*, p. 68. Ferstl was instructed by Metternich to give immediate information of any important fact to Wirkner, who none the less resented the imputation of being a spy in the pay of Vienna.

preliminary censure such as that exercised by the police-bureau, against the severity of which the counties protested in vain. After the close of the Diet, Kossuth continued his work by distributing manuscript accounts of the proceedings of the county meetings, and no amount of prohibitive orders and illegal tampering with the post could entirely prevent the circulation of his reports. The Government, therefore, took the absolutely illegal step of sending soldiers to arrest him, seized his writings and correspondence, and caused him, after a long period of strict preliminary confinement, to be condemned by a servile tribunal first to three, and then to four years' imprisonment.

It was the deliberate policy of Vienna to stifle free discussion. There was hardly a county in which some chief speaker was not prosecuted and imprisoned. In 1834 a society was formed among the youths attending the Diet on the lines of the *Société des Droits de l'Homme* for the discussion of political questions. No doubt the juvenile debaters entertained notions of too advanced a character for the Viennese stomach, but they confined themselves entirely to theory, and there was no possibility of danger to the Government. True, they organised a torchlight procession in honour of one of the victims of the muzzling policy, but that did not justify the arrest of the chief members, and the condemnation, by a mockery of justice,¹ of one of the leaders of the society² to ten years' confinement in a fortress. The counties protested, but in vain,³ and public opinion became violently inflamed when it was realised that the liberty of the individual was at the mercy of judges, who, from motives

¹ Witnesses were not confronted with the accused, who were not brought into court, but examined separately in their cells, and were not allowed to choose their own defenders.—Pulasky Ferencz, *Életem és Korom*, 2nd ed., i. 101. Pulasky was himself a member of the society.

² Lovassy.

³ Neither the King nor the Chancellor would receive deputations.—Marczali, *A Legujabb Kor Története*, p. 392.

of self-interest, were ready to obey the instructions of Vienna, no matter how illegal they might be. A more notable victim was Széchenyi's friend, Baron Wesselényi, who had made himself objectionable to the Government by his activity in connexion with the question of the reunion of Transylvania, his native land, to the mother country. With him and Kossuth out of the way it was hoped that the task of stifling free speech might be more easily accomplished.

From the time when Transylvania was first occupied by the Magyars it was spoken of as the "*partes Transylvanae*," and sent its representatives to the Hungarian Diet. After Mohács and the consequent division of the realms of the Sacred Crown, from the year 1540, Transylvania had its own Diet, and the King, and the representatives of the Magyar, Szekler, and Saxon populations, exercised joint legislative authority. After the first ejection of the Turks, neither the Viennese Government,¹ nor the Diet of Transylvania,² attempted to deny Hungary's right to demand the reincorporation of the severed parts, but for a long time the Transylvanians had no wish for reunion, chiefly for the reason that during the period of religious intolerance and despotism they feared the loss of their special privileges, and that the equality of the four recognised religions would become a thing of the past. Now, since 1825, a strong feeling existed among the Magyars of Transylvania in favour of reunion, which, as they believed, constituted their sole defence against Austrian interference. The only serious

¹ As shown by Law viii. of 1791.

² Clause 6 of the law of 1791 passed by the Transylvanian Diet: "*Tam sua Majestas sacratissima quam secuturi ejusdem ex augustissima domo austriaca successores qua legitimi reges Hungariae Transylvaniam tanquam ad sacram regni Hungariae coronam pertinentem eodem cum Hungaria imperii et successionis jure tenebunt.*" Which refutes Brote's statement, that only a federal tie existed between Hungary and Transylvania, and that the latter was always independent.—*Die rumänische Frage in Siebenbürgen und Ungarn*, p. 11.

opposition came from the Saxons.¹ The organisation of the Diet differed in certain respects from that of its Hungarian prototype. It consisted of one Chamber only, in which the representative members were far outnumbered by the official element, consisting of the members of the High Court, the lords-lieutenant of the Magyar counties, and the chief officials of the Szekler and Saxon districts. The Diet had the right to appoint the members of the Transylvanian Chancery in Vienna, the Chancellor and Governor, the judges of the High Court, and the lords-lieutenant; but since 1809, the King, in contravention of the law, had failed to convene the Diet, and the Austrian Government appointed its own subservient nominees to all vacant posts, without reference to the wishes of the country. Only one official remained who had been appointed in accordance with constitutional usage, and a further grievance was to be found in the fact that the Government had no regard to the relative numbers of the members of the various Churches, but chose its nominees almost exclusively from the ranks of the Catholics, in spite of the fact that by far the greater part of the Magyar population, and the vast majority of the chief nobles, belonged to the Reformed Church. The average of education was considerably lower in Transylvania than in Hungary proper, and there were few of sufficient energy and independence to make a firm stand against the unconstitutional interference of the Government, whose intention it was gradually to prepare the way for the final absorption of Transylvania in the hereditary provinces, by omitting to convene the representatives of

¹ There were twice as many Magyars as Szeklers, and four times as many Magyars as Saxons. The Roumanians, by far the biggest element of the population, were not represented, though many of Roumanian origin were among the elected representatives and specially summoned nobles.—Horváth, *Huszondi év*, i. 427. There was no limit to the power of the King to summon the last-mentioned (regalisták); it was easy therefore to swamp the Opposition.

the people. Baron Nicholas Wesselényi was the chief promoter, if not the creator, of the desire for reunion with Hungary. He first came into prominence in 1818, when the Government attempted to regulate the question of the relations between landlord and peasant without reference to the wishes of the people constitutionally expressed through its elected representatives. He travelled all over the country, urging the inhabitants to resistance to the illegal actions of Vienna, and exciting the enthusiasm of the youth for the Hungarian language and nation. As in 1790 so in 1825, one of the chief questions raised by the Diet at Pressburg was the question of reunion, if not with Transylvania as a whole, at all events with certain districts in which the Magyar feeling was strongest; and Wesselényi was the life and soul of the movement in favour of reincorporation. Thenceforward he devoted himself almost entirely to the cause. He attended innumerable county meetings, which he induced to pass resolutions petitioning the King to remedy their grievances, and, pending the convocation of the Diet, to initiate a policy of passive resistance in order to paralyse the unconstitutional action of the Government. In May 1832 the King gave some indication of an intention to summon the Diet, but vague promises were no longer capable of satisfying the people. In the following year the Bán of Croatia, sent as Royal Commissioner with full powers to Transylvania, became convinced of the fact that a recurrence to constitutional government alone could restore tranquillity to the country, and succeeded in satisfying the King of the unwisdom of the policy hitherto adopted. The Diet was, therefore, summoned in 1834, and an opportunity was at length obtained of ventilating long-standing grievances.¹ No practical results were obtained;

¹ Some of the chief causes of complaint were, apart from those arising out of the deliberate violation of the Constitution, the favouring of Catholics at the expense of Protestants, the prohibition of foreign travel, and the op-

but that very fact served to strengthen the conviction entertained by the Protestant-Magyar population that the only hope of political salvation lay in reunion with the mother country. The King's reply to an Address voted by the Diet took no notice of the grievances therein enumerated, and his intentions were shown by the fact that he passed over the two candidates for the presidential chair who had received the greatest number of votes, and appointed a person on whose subservience to the wishes of the Government more reliance could be placed. The printing of the journal of the Diet was prohibited, and when Wesselényi distributed lithographed accounts of its proceedings his press was confiscated. The Diet entered a formal protest, and the King replied thereto with a rescript severely rebuking the members for having dared to stand up for their constitutional rights, dissolving the Diet, and enjoining obedience to the edicts which he proposed to issue.

In Hungary proper, Wesselényi and Kőlcsey did not allow the question of reunion to drop, though it was now more obvious than ever that the Government would not consent to the reincorporation of the severed province for fear that the spirit of Magyar nationality and the power of resistance to the policy of centralisation would be thereby strengthened. Wesselényi's activity naturally marked him out for destruction. The Government wished to get him out of the way at any price, and in May 1834 caused him to be indicted on a charge of disturbing the public order, the accusation being based on a distorted interpretation of words he had used in a speech made at Szatmár at the end of the previous year. He accused the Government of having for centuries sucked the blood of the peasants while it posed as their protector, and warned his country that Austrian interference with the Jacqueries, which would

pression of the Szeklers by the soldiery, which exacted provisions at half the market price, and generally misconducted itself.

ensue, would be withheld till the houses of the nobles were reduced to a mass of smoking ruins, and then—"Woe to our national independence!"¹ He was accused of *lèse majesté* immediately the words were spoken, but refuted the charge, and the matter was allowed to drop by the meeting, which had power to punish him if it considered that he had made use of improper language. Six months later the Government seized the opportunity of suppressing an active and capable opponent, and Wesselényi, after long delay, was sentenced to three years' imprisonment.² The question was raised in the Hungarian Diet whether a prosecution would lie for words spoken in a country where no law existed curtailing the right of free speech; and, secondly, whether an attack on the Government could be treated as an attack on the King, and so justify indictment for "infidelity," or minor treason; but the Upper House twelve times rejected the petition which the elected representatives wished to be addressed to the King on the subject, so the presentment never reached its destination, and the only result was that the feeling of resentment against the obstructive tactics of the Magnates became more inflamed than ever, and the conviction more rooted that the Government would shrink from the adoption of no means, however illegal, of suppressing the opponents of unconstitutional action.

To belong to the Opposition, or to call one's self a Liberal, meant the loss of all possibility of advancement, involved a liability to persecution at the hands of spies, and made it almost impossible to obtain permission for

¹ De Gerando, *Über den öffentlichen Geist in Ungarn*, p. 190 sqq.; Marczali, *A Legújabb Kor Története*, p. 390; Kónyi, *Deák Ferencz Beszédei*, i. 162 sqq.

² The influence of Deák, who applied direct to the King, saved Wesselényi from imprisonment, and he was allowed to retire to Gräfenberg for the benefit of his shattered health. But the Government's object was attained. "The Government succeeded in obtaining a conviction."—Wirkner's expression, *Élményeim*, p. 99.

foreign travel. Nothing shows the spirit which animated the partisans of the Government better than their action in resisting the substitution of a living for a dead language in official documents. They urged that it was inadvisable to proceed too quickly ; but as the language question had been raised, without satisfactory result, on every possible occasion during the past forty-three years, no one could be accused of undue precipitancy. The subject was again mooted during the session 1832-36, and again it engendered a feeling of passionate hostility between the parties, comparable only to that evoked by the question of the emancipation of the peasants. The deputies demanded that the messages of the Upper to the Lower House should be couched in the Hungarian language, as well as petitions and addresses to the King, and that the Hungarian text of the laws should thenceforth be regarded as the official version. To this latter demand the Magnates refused their consent, and the King insisted that the Latin text should continue to be considered the only authentic one. "A dead language means a dead people," protested one of the deputies who had already suffered for his outspokenness at the hands of the Government.¹ "From our graves we cry to the King to open our tombs and to let us arise to a life of freedom ; but instead of lifting the cover, our rulers only drive a few more nails into our coffin, and condemn the living to everlasting death."² Deák, who during this session of the Diet finally established his influence, not so much by means of his speeches as by his moderation and common sense, and by the absolute straightness and unselfishness which were his striking characteristics, expressed himself in a similar strain. "No one was born with a ready-made knowledge of Latin. The action of the Government is comparable

¹ John Balogh, who had been indicted for openly expressing approval of the speech for which Wesselényi was condemned.

² Marczali, *A Legújabb Kor Története*, p. 380.

to that of the tyrant who inscribed the laws on the top of a high tower in such small characters that no one could read them with the naked eye and yet punished those who transgressed them.”¹ Finally, the King gave way on the intervention of the Palatine, and a further advance was made towards the abolition of the compulsory use of a dead language, partisans of which desired its maintenance solely for the reason that it served as an obstacle to the development of the spirit of Magyar nationality. Henceforth, when any doubt arose as to the interpretation of laws, the Hungarian version was to be regarded as the authentic one. High Court actions were allowed to be conducted and judgment delivered in Hungarian, and registers of births and marriages were to be kept in that language; but, that other nationalities might have no cause of complaint, only in places where divine service was celebrated in Hungarian. Further, the King undertook to take steps for the provision of facilities for the acquirement of a knowledge of the Magyar tongue in Roumanian seminaries.²

It is no exaggeration to say that the Government considered all progress in Hungary to be contrary to Austrian interests, and this is especially true as regards economic³ and educational matters. Széchenyi realised this fact, and consequently took a comparatively inconspicuous part in general politics, for fear that he might excite insuperable hostility to his pet plans, such as the regulation of the Danube, the removal of the obstacles to navigation known as the Iron Gates, and the development of the port of Fiume, the natural channel for Hungarian exports, with which heavy freights, and want of accommoda-

¹ Marczali, *A Legujabb Kor Története*, p. 381. According to Kossuth and Deák only fifteen to twenty thousand persons understood Latin.

² Law iii. of 1836.

³ E.g. a prohibitive duty was imposed on the import of Hungarian beet sugar into Austria, while the Austrian article was imported into Hungary duty free.

tion for shipping, seriously interfered. Educational as well as material progress was consistently opposed. As Hungary showed signs of a coming development in the arts of manufacture, of ceasing to be a purely agricultural country, the Diet in 1836 urged the establishment of technical schools in the chief towns, and of a polytechnic in Pest, in order to remedy the want of practical mechanical and commercial knowledge, the chief obstacle to be overcome; but the Government, which wished to keep the control of all educational matters in its own hands, opposed the introduction of a Bill dealing with the subject. "His Majesty," said a royal rescript, "will take the establishment of such institutions into consideration; consequently, legislation is superfluous,"¹ and the disgust of the Diet may be imagined in view of the fact that no money for the furtherance of the scheme, or help in any form, had been asked of the Crown. The same obstructive tactics were adopted with respect to the Ludoviceum. At the beginning of the century, during the Napoleonic wars, the Diet had agitated in favour of the employment of Hungarian officers in Hungarian regiments, though, as a matter of fact, there was an insufficiency of qualified persons, to remedy which it was proposed, in 1808, that a sum should be privately raised for the establishment of a military academy. Eight hundred and ninety-five thousand florins were subscribed, and a college was built with accommodation for two hundred students, but the Government would not give permission for it to be opened, on the ground that its statutes required revision, but in reality because it objected to the request that the language of instruction should be partly Hungarian.² Thus, every action of the Government proved its desire to do all in its

¹ Horváth, *Huszondi évi*, i. 474. Not till 1846 was permission given for the establishment of a commercial school bearing the name of the Archduke Joseph, which later developed into a polytechnic.

² The building remained unoccupied till 1848, when it was opened. After the war it was shut again till 1872.

power to retard the development of the country and to crush its aspirations.

Francis died on March 2, 1835. His last actions, his refusal to allow the adoption of the desired reform permitting commutation of feudal dues for a money payment, and the dissolution of the Transylvanian Diet, had destroyed the last vestiges of the popularity which he had gained by his consent to the convocation of the Hungarian Diet in 1825. The establishment of the secret police and the development of the censorship had been the characteristic events of the last years of his life. He desired to keep his subjects free from the infection of the liberal ideas of Western Europe ; believed that prevention was easy, but that cure was difficult, and persecuted ideas on principle, in the hope that the march of civilisation could be arrested at the Hungarian frontier. The futility of his efforts was proved by the fact that the closing period of his reign was rendered illustrious by the rise of the three greatest sons of Hungary—Széchenyi, the prophet of material progress ; Kossuth, the political idealist ; and Deák, the personification of strict legality and of the invincible tenacity of the Magyar race.

CHAPTER X

It was notorious that Ferdinand, the new King, was of ^{1835.} less than mediocre ability. His father had not failed to realise the fact, and knowing the feebleness of his character impressed on him the necessity of allowing himself to be guided by Metternich, who, with Kolowrat and the Archdukes Louis and Francis Charles, Ferdinand's younger brother and presumptive heir, henceforth formed a camarilla which held all strings and made the puppet King dance to its liking. The tendency of Ferdinand's advisers was at once shown by their action as regards the royal title—seemingly unimportant, but not so in reality. To style the new King, Ferdinand the First, as they attempted to do in official documents, instead of Ferdinand the Fifth, his proper designation, would have been equivalent to an interruption of the continuity of succession of Hungarian kings, would have implied, to a certain extent, at all events, the incorporation of Hungary in Austria, and would undoubtedly have been used as an argument to prove the voluntary relinquishment of national independence.¹ The next slap in

¹ The Diet declared, August 19, 1835, that the title of Ferdinand the First "Austriac Imperator quo sua Majestas utitur," can derogate in nothing from the rights and independence of Hungary guaranteed by Law x. of 1790-91. The result of the protest was that Ferdinand used the style of "First of Austria and Fifth of Hungary of that name." Springer's statement (*Grundlagen und Entwicklungsziele des Oesterreich-Ungarischen Monarchie*, Vienna, 1906, p. 23), that "Ungarn gestattete ohne Wiederrede das der Kaisertitel auch auf Ungarn radiziert werde, dass der König von Ungarn unter dem Kaiser von Oesterreich

the face which Hungary received was the appointment of a new Chancellor in the place of Revicsky, who had always exercised a moderating influence on Francis, and consequently was hated by the more retrograde of the great nobles. Count Fidél Pálffy received the vacant place, a denationalised opportunist, ignorant of his country's language,¹ whose only wish was to earn the favour of Vienna and to maintain the privileges of the aristocracy. To appoint to the most important official position a man who knew no word of Hungarian, the nephew and nominee of Kolowrat, the chief protector of the Pan-Slav agitators now coming into prominence, was a deliberate insult to the Diet which the Government looked upon as an unmitigated evil, the influence of which should be curtailed by fair means or foul, and more especially by limiting the freedom of speech and of the Press, as is proved by the treatment meted out to Kossuth and Wesselényi. The new Chancellor opposed every form of progress; obstacles were thrown in the way even of the construction of the new bridge at Budapest on the ground that it was too important a matter to be left to private enterprise, and of the improvement of the Danube for purposes of navigation, for the reason that it would open the door not only to foreign trade competition, but to the importation of foreign ideas as well. No one's correspondence was safe from interference at the hands of the police, and every possible means was adopted to prevent concerted action on the part of the various counties.² A great change had recently come over the latter, for whereas formerly only the meetings held for *völkerrechtlich verschwinde, dass es ein Land neben den vielen anderen Ländern des Kaiserreiches sei,*" is clearly untrue.—See Kónyi, *Deák Ferencz Beszédai*, i. 157.

¹ Szögyény-Marich László, *Emlékiratai*, p. 9.

² The "instructions" of the counties given to their deputies before the Diet of 1825 insisted on the inviolability of their correspondence, without which unity of action was impossible.—Horváth, *Huszarek évi*, i. 157. Then as later the motto of the Government was "*divide ut imperes.*"

the election of officials were well attended, the newly aroused interest in the political questions of the day, and the repressive action of the Government, caused hundreds to come where hitherto tens had congregated. Disorder and violence were not uncommon when the main questions which divided opinion were being discussed. Neither side can be acquitted of the charge of bribery and corruption. The partisans of the Government, being drawn from the richest classes, were the first to adopt illicit means of gaining the day, and the Liberals had to follow suit, on pain of being left out in the cold, though quite aware of the demoralising effect of their action. The excitement caused by the persecution of ideas and the prosecution of individuals reached such a pitch that the Viennese camarilla became nervous and recognised the advisability of providing a safety valve for popular passions by summoning the Diet, the convocation of which was moreover demanded by the necessity of getting the military contingent voted in view of the threatening nature of the European outlook. Pálffy had to go, for even his partisans in the ranks of the retrograde Magnates were not prepared to see their country sacrificed to Austria, and reduced to the position of a dependent province, and Count Antony Majláth, a highly-educated and broad-minded man, was appointed in his stead.

The chief result of the reactionary policy recently pursued by the Government was the complete victory of the Opposition at the polls, and a noticeable change in the ideas of the Upper House, where few, with the exception of the bishops, were now disposed to offer an uncompromising resistance to Liberal innovations, or saw salvation only in the retention of old forms and antiquated privileges. Széchenyi's example was contagious, and many who had been satisfied with the rôle of spectator, now wished to play a part in the affairs of the

country. Among the Conservatives the most distinguished were Count Aurelius Dessewffy,¹ a politician of distinguished ability, Baron Samuel Jósika, Count George Apponyi and Baron Nicholas Vay, men of exceptional education and breadth of view, who formed the "party of deliberate progress"² which supported the Government, but not in the former servile manner, and desired to avoid conflict with the Crown and with Austria's interests in order to lessen opposition to the promotion of the material welfare of their country. Count Louis Batthyány was the leader of the Liberals in the Upper House. He accepted Széchenyi's ideas on the subject of economic reform and material progress, but cared more than his teacher for the maintenance of the national Constitution, and was not inclined to barter liberal ideas and independence for financial prosperity, in which respect he resembled his predecessor in the leadership, Baron Nicholas Wesselényi, driven into retirement by ill-health and persecution. Among his followers were to be found such distinguished persons as Baron Joseph Eötvös, not less celebrated as a politician than as a writer; Count Ladislaus Teleki, a debater who was always ready to enforce his arguments with the aid of the duelling sword, and many other nobles, whose presence in the ranks of the Liberal party went far towards realising the wish long ago expressed by Széchenyi, that the aristocracy should take its place at the head of the reform movement instead of being dragged at its tail. Their programme comprised the emancipation of the peasants; an equal distribution of the burden of taxation; the grant of political rights on the basis of a property-qualification irrespective of class or religion; the provision of extended educational facilities, and the abolition of the customs barrier between Hungary and Austria, and of

¹ Son of Count Joseph Dessewffy, the chief critic of Széchenyi's *Hittel*.

² The *Fontolva Haladó* Party, as it styled itself.

the *Aviticitas* and *Fiscalitas*¹ which, as Széchenyi had shown, constituted the chief obstacles to the economic regeneration of the country.

The opening of the session was marked by an episode which augured ill for the prospects of peaceful progress. The county of Pest was deprived of the services of one of its members, Count Gideon Ráday, whom the Government had prosecuted on a charge of *lèse-majesté*, on account of a too free expression of opinion on the subject of the Government's sins of omission and commission, and forbade to take his seat for the reason that the case was still pending—an outrage on the principle of parliamentary independence, as the unchecked exercise of such autocratic interference would have enabled the Government to arrange the constitution of the House as it pleased, to disfranchise any county which had elected Liberal representatives, and, in fact, to disqualify the whole Opposition by the simple process of indictment.² The Lower House refused to proceed to business till its grievance was remedied, and the Government was in a quandary, as the withdrawal of the prohibition would have amounted to the abandonment of its cherished principle that the Crown and its Ministers were invested with equal sanctity as regards immunity from criticism, and would have been equivalent to an admission of the illegality of its proceedings in the case of Count Ráday. The Magnates refused to endorse the remonstrance which the Lower House addressed to the King, but as the Deputies stuck to their guns and refused to begin work (though Ráday was ultimately allowed to take his seat), until they received satisfactory guarantees for the maintenance of their parliamentary privileges, the Upper House had to give way and the address was forwarded to the Crown. In reply thereto the King sent a rescript on March 24, 1840, promising that the right of free speech

¹ *Supra*, pp. 41, 278.

² Kónyi, *Dedk Ferencz Beszédei*, i. 318 sqq.

should not be restricted, and that a full amnesty should be granted to Wesselényi, Lovassy, and others who had been prosecuted for political reasons since the last session of the Diet, if that body would consent to begin without more ado the discussion of the Government's request for recruits. Eventually Deák and his party accepted the King's offer, and the contingent was voted, the Law¹ in which the grant was embodied stipulating that the recruits should serve only in Hungarian regiments, and thereby further affirming the Diet's right of interference in matters affecting the internal organisation of the army.

The twelve points of the programme which bore the name of the county of Szatmár, the basis of whose instructions to its deputies it formed, may be taken as typical of the demands of the Liberal party at this period:—(1) the abolition of the existing system of entail; (2) land registration and the establishment of a land mortgage bank; (3) compulsory redemption of feudal dues and of peasants' allotments; (4) abolition of guilds and monopolies operating in restraint of trade; (5) eligibility to office and the right to own land to be extended to all without restriction; (6) the revival and extension of the law of the reign of King Mathias relating to the taxation of nobles and the higher clergy;² (7) popular education; (8) freedom of the Press; (9) emancipation of the urban population and the reform of municipal government; (10) revision of the civil and criminal law and the introduction of trial by jury; (11) the separation of executive and judicial functions in the counties; (12) popular representation at the Diet. Of this list, which might have passed as the programme of the Liberal party in almost any contemporary European country, the last

¹ 1840, Law ii.

² LXIV. of 1486, providing for the payment by the clergy and nobles of the expenses of the "*nuntii electi*"—a dead letter.

point was clearly the most important. The county organisation was all very well as a bulwark of the Constitution, as a barrier against autocratic encroachment, but its very strength was its weak point. The conflict of local interests was always liable to be fatal to the possibility of united action, and it was evident that the salvation of the country, its political independence and its economic development, could be guaranteed only by a strong central Parliament elected on a basis which admitted within the pale of the Constitution the majority of those who had been hitherto excluded. The idea that that majority could continue indefinitely to be taxed to provide for the expenses of local and parliamentary government without being represented at the councils of the nation was soon to be exploded. The principle of universal liability to taxation had been championed to good purpose by Kossuth, who pointed out that complete exemption therefrom was in civilised countries a privilege enjoyed by beggars alone; but it was still opposed by some who, though they called themselves Liberals, put their pocket interests before those of the nation at large. The Government was influenced by conflicting considerations; for while, on the one hand, it had always recognised the advantage of increasing the number of tax-payers, on the other hand it was opposed to anything which would tend to strengthen the feeling of national unity.

One of the chief obstacles to that unity and the chief battle-ground of the antagonism which had hitherto existed between Catholics and Protestants, was provided by the question of mixed marriages. Originally, no restrictions on such unions existed, and the question was first raised by the bigotry of Maria Theresa in the interests of the domination of the Catholic Church. In accordance with the edict of Joseph II., if the husband were Catholic, all his children were brought up in the father's religion; if he were a member of the Reformed Church, his boys were

brought up as Protestants, while the girls followed the mother. The same principle, though distinctly unfair to the Protestants, was adopted by Law xxvi. of 1791, which, at the same time, enacted that no obstacle was to be thrown in the way of the celebration of mixed marriages. In spite of the last-mentioned provision, the Catholic priests tried to compel Protestants desiring to marry Catholics to sign a document giving an undertaking that all children of the marriage should be brought up in the Catholic religion,¹ and refused to perform the ceremony until such guarantee were given. A further injustice inflicted on the Protestants consisted in the fact that any one desiring to leave the Catholic Church was unable to do so without first submitting to religious instruction by a priest, in order that the eloquence and erudition of the latter might have a chance of bringing the wandering sheep back to the fold. The instruction was not allowed to be taken in homœopathic doses from various priests, so the ingenious ecclesiastics hit upon the plan of interrupting their lectures before the full six weeks' course was ended, and of compelling the would-be pervert to betake himself to a fresh instructor. This manœuvre might be continued indefinitely, with the result that it might take years to complete the process of transference from one religion to another.² The whole question of mixed marriages was raised at the end of the Diet in 1830, but nothing was done. In 1833, the Lower House appointed a committee which proceeded to draft a Bill remedying the above-mentioned grievances, and providing that thenceforth Protestants might own land in Croatia, visit foreign universities, and that Protestant members of trade guilds should not be penalised for refusal to observe Catholic festivals and holidays. To their credit the Catholic members³ of the Lower House

¹ The so-called "*Reversalis*." The Catholic priests justified themselves by reference to an illegal Royal Order of 1792.

² Horváth, *Huszondi év*, i. 312.

³ Deák, who first attracted special attention by his speech on this question,

rose one after the other to support the Bill, which was consequently carried; but the bishops strongly opposed the first reading, and it was sent down again unread in spite of the efforts of Széchenyi and Eötvös, himself a Catholic, in its support. Seven times the Bill was sent up to the Magnates, only to be rejected, to the great satisfaction of the bishops, two of whom issued pastoral letters instructing the clergy to prevent the celebration of mixed marriages by all means in their power, and to refuse the Church's blessing to such unions, unless the Protestant bridegroom gave the "*reversalis*" undertaking, in spite of the law of 1791, which made it obligatory on Catholic priests to officiate unconditionally. Finally, after an eighth exchange of messages with the Magnates, the Lower House dropped the Bill, which had found its most ardent supporters among the Catholic members, rather than that it should be passed in a mangled form. But the excitement increased rather than waned, owing to the ill-advised action of the bishops in sending one of their number to Rome to obtain the instructions of the Pope, who, though he decided that mixed marriages without "*reversalis*" must be looked upon as "*illicita sed valida*," approved the action of the bishops, and gave them written encouragement in their resistance to the law. As no papal communication could be published in Hungary without the *Placetum Regium*, furious protests were raised in the counties, and the general election, which took place in 1843, was largely influenced by this episode, which did much to eliminate the previously preponderating influence of the Catholic clergy. The development of a spirit of freethinking was one of them. The Palatine was in favour of the Bill, having himself married a Protestant. The Croatians, both lay and ecclesiastic, were, next to the bishops, the most violent opponents of the Bill, for the reason that it would abolish Law xxvi. of 1791, and so remove the restrictions imposed on Protestants (not, be it observed, on Jews or members of the Greek Church) which forbade them to own land in Croatia. So the opposition had an economic as well as a religious side. Hungary and Croatia came into collision for the first time over this question.

one of the characteristic phenomena of the period, and the Catholic Church, feeling that its influence was slipping away, tried in vain to retain it by entering into an unholy alliance with the party of reaction—nominally “for the defence of throne and altar,”¹ but in reality because it feared the loss of political power and the secularisation of its enormous possessions.

Only in the matter of the language question was any notable success obtained by the Liberal party in the Diet of 1839-40. Law vi. of that session enacted, *inter alia*, that Addresses to the King, the official communications of the county authorities² with the Government offices, and the circulars of the Council of Lieutenancy, should be couched exclusively in the Hungarian language. Henceforth the possession of a knowledge of Hungarian was to be a condition precedent to appointment to all ecclesiastical offices, and the King undertook to see to the extension of the knowledge of that idiom in the frontier districts, and to its employment by the Magyar regimental authorities in their communications with Hungarian official bodies. Further, after the expiration of three years from the close of the session, all registers of births, marriages, and deaths were to be kept in the Hungarian language.³

As regards the reform of the criminal law, one of the chief necessities of the period, the Liberal party failed to realise its desires. The conviction now obtained that the existing law was of too Draconian a character, though, as recently as 1825, the “instructions” of one county required that the King should be petitioned in favour of greater

¹ The motto of its organ, the *Nemzeti Ujság*, which never possessed much influence, and had still less when the control was taken over by the reactionary Count John Majláth.

² *Határaibaní Köztörvényhatóságok*, i.e. Hungarian authorities only, *intra fines regni*, so Croatia had no ground of complaint.

³ Wirkner, in his letter to Metternich, admits that not one-tenth of the nobles understood Latin.—*Élményeim*, p. 136. The Government feared that the universal use of a language understood by all would be fatal to its policy of reaction and obscurantism.

frequency in the application of capital punishment, on the ground that the long confinement of prisoners was a cause of excessive expense.¹ The Diet appointed a committee to consider the question of reform, which included in its members many of the best known and most enlightened deputies, among others Deák, Pulszky, Eötvös, George Apponyi, and Aurelius Dessewffy; and a commission was sent abroad to study the various prison systems. The Bill, for the most part the work of Deák, which was intended to give effect to the recommendations of the committee, provided for the introduction of trial by jury and the abolition of the death penalty; it is needless to say, therefore, that it was thrown out by the Upper House.

The results attained by the efforts of the Liberal party ¹⁸⁴³⁻ since 1825 were far from being commensurate with the ¹⁸⁴⁴⁻ energy expended, and it became more and more evident that the struggle between the old ideals of Austrian despotism and Hungarian constitutionalism must soon take a decisive turn one way or the other. Hungary recognised the need of democratic reform, of abolishing the hard and fast line which divided the population into two classes, the privileged and the unprivileged,² and was no longer content to limit its exertions to the prevention of the more flagrant violations of its historic rights. Austria, on the other hand, saw that its only chance of keeping its preponderance lay in the maintenance of the *status quo* as regards the question of the emancipation of the peasants and of its economic relations with Hungary. The antagonism which existed between the two countries was brought to a head, but was not in any sense caused, by recent events in Western Europe. It was the conflict of ideals—liberalism on the one side, autocracy on the

¹ Marczali, *A Legujabb Kor Története*, p. 360.

² As long ago as 1807 Paul Nagy had urged the necessity of extending the benefits of the Constitution to all Hungarians "in order that in the moment of danger the entire people may stand together in its defence."—Wirkner, *Élményeim*, p. 25.

other, which rendered a peaceful solution an impossibility. The wall with which Metternich had sought to surround Hungary had failed to stop the spread of modern notions.

In 1841, Kossuth, whose term of imprisonment had recently terminated, became the editor of the *Pesti Hírlap*, and dealt in its columns with every subject of public interest from the national point of view. Landerer, the publisher, was an agent of the secret police, hence the fact that the Government raised no objection to the inception of the new journalistic enterprise,¹ which it certainly would not have permitted if it had had an idea of the magnitude of the influence which Kossuth would exert on public opinion. Széchenyi was mistaken in supposing that economic progress must necessarily precede constitutional reform. Kossuth's view was sounder, namely, that only the development of a middle class, by means of an extension of the franchise, could bring about a lasting change for the better in economic conditions. He saw that the future of the country depended on the "Gentry," not on the Nobles, whom he plainly told that reforms would be effected "through them and with them if they were willing, without them and in spite of them if necessary." Dessewffy, who wrote in the *Világ*, the organ of the "Party of Deliberate Progress," was Kossuth's only possible antagonist in the journalistic world. He feared the possibility of an orgy of tyrannical Liberalism as much as the recrudescence of Austrian autocracy, and therefore was in favour of the establishment of a strong, but limited and responsible, central government, which should control the excessive power of the counties. Unfortunately, he died in 1842, at the age of thirty-six, and there was no one to take his place. Széchenyi lost no opportunity of attacking Kossuth and of accusing him of setting poor against rich, class against class, and, more especially, of stirring up hatred against the

¹ Szögyény, *Emlékiratai*, p. 19.

Upper House ; but his efforts were ineffective, possibly for the reason that he created the opinion that the main-spring of his action was a petty jealousy which prevented him from supporting any scheme which he himself had not initiated.¹ He published a pamphlet² with the special object of pressing home the attack, in which he admitted that he did not doubt the purity of Kossuth's motives, and agreed for the most part with his views. He reproached his rival with addressing himself to the heart and not to the head of his readers, and tried to impress on him the futility of progress without regard to the means employed and the goal in view. According to Széchenyi, Kossuth, in his thirst for popularity, mistook the applause of the crowd for public opinion, and demanded unlimited publicity for his own views while he encouraged the mob to shout his opponents down. Between himself and Kossuth, Széchenyi considered the same difference to exist as there is between peaceful reform and revolution. But the nation was tired of waiting in vain for reform to come from above, and though the pamphlet in question had to some extent a moderating influence on the tone of the *Pesti Hírlap*, its chief result was the destruction of the remains of Széchenyi's popularity and the splitting of the reformers into two parties—the moderates and the Kossuthites. Kossuth, whose paper was not so much the organ of public opinion as the creator of it, made a polite but crushing reply, suggesting that his adversary renounced his own opinions so soon as he heard them enunciated by another, and the victory was never for a moment in doubt, more especially as Dessewffy and Eötvös threw their weight into the balance on Kossuth's side. Thenceforth Széchenyi's influence was supreme only in economic matters, and even in this department the rivalry of Kossuth was soon to make itself felt.

¹ Pulszky, *Életem és Korom*, i. 158.

² *A Kelet Népe*, Gróf Széchenyi István Munkái, vol. ii., Budapest, 1905.

The King's Speech on the occasion of the opening of the Diet gave unusual satisfaction, on account of the number and the nature of the legislative proposals which it contained.¹ It appeared as if the Government at last recognised the necessity of constitutional and economic reform. Even Kossuth was inclined to believe in the good intentions of Vienna ; but the cloven hoof was soon shown by the inspired refusal of the Upper House to allow the publication of an official, uncensored report of the proceedings of the Diet. The reform of the municipal franchise, and the extension of urban representation at the Diet, were favoured by the progressive party, not only as the first step in the direction of a thorough alteration of the existing basis of parliamentary representation, but as being likely to bring a considerable accession of strength to the Liberals. A Bill was therefore introduced providing that both municipal officials and deputies to the Diet should be elected by manhood suffrage, and that sixteen seats should be allotted to the towns. The Magnates insisted on a high property qualification for the franchise and on the adoption of a system of indirect voting, which would have excluded the great mass of the urban population from participation, and would merely have had the effect of giving the Government sixteen more votes in the Lower House, whose "saturation with dependent elements, whose servility would in the course of five or six years suffice to destroy not only that chamber itself, but liberty and the Constitution as well."² So after fruitless negotiation the Bill was dropped, and the disingenuousness of the Government's legislative proposals became patent to all. True, the Upper House allowed an Act to pass making non-nobles eligible for all

¹ Establishment of land mortgage bank, improvement of means of communication, regulation of the Danube, urban representation at the Diet, etc.—Horváth, *Huszonöt év*, ii. 190.

² Széchenyi, quoted by Horváth, *Huszonöt év*, ii. 233.

offices,¹ but small thanks were due to them for the concession ; for what could be more useless than to give peasants, who, as non-nobles, could not vote at elections, the right to be themselves elected ? In other respects the Act in question conferred a considerable boon on the lower classes. Law vii. 9 of 1840 had admitted in principle the peasant's right to redeem all feudal dues, and to divide his holding by will among his children, and now that of 1844 conferred the right on all non-nobles, belonging to any recognised religion, to own real property. The change which had taken place in public opinion since 1834 is noticeable. Notions which had horrified people at that date met with almost universal acceptance ten years later. The laws of 1840 and 1844 were, in fact, generally regarded merely as an instalment, and the movement in favour of complete emancipation of the peasants continued unabated.

Hungarian had now completely ousted Latin as the language of debate, though there was still some opposition on the part of the representatives of the "annexed" or "subject parts," encouraged by the Government and by the partisans of reaction. The Croatian deputies to the Diet of 1843-44 all belonged to the so-called Illyrian party, to which reference will hereafter be made, and had been elected by a snap vote in the absence of the Hungarian electors, who were tricked into the belief that the election had been postponed. When these deputies began to address the Diet in Latin, they were met with cries of "Speak Hungarian !" and shouted down, chiefly for the reason that the trick to which they owed their election was known, and on account of the recognised fact that they were the representatives of a disloyal faction, and not of the public opinion of Croatia. The King, who was quite ready to wink at the existence of a Pan-Slav agitation, if he could utilise its promoters to the detriment

¹ 1844, Law v., without regard to religious distinctions.

of Hungary, took no notice of the protests of the Hungarian party in Croatia against the illegalities which had marked the recent elections, but sent a rescript to the Diet ordering it to allow the Croatian deputies to address it in Latin. The House denied the right of the Crown to interfere, persisted in its refusal to listen to Latin speeches, and resolved to ignore them in the official journal of proceedings. Finally, an end was put to the dispute by the receipt of the royal assent to an Act,¹ which provided that the Hungarian language was to be used to the complete exclusion of Latin in all royal communications with the Diet, as well as in the drawing up of laws, and in the Crown's confirmatory rescripts. Thenceforth Hungarian was to be the sole language of debate, but a period of grace was granted to non-Magyar deputies, permitting them to continue the use of Latin for the space of six years. The use of Hungarian was made obligatory in all documents issued by the Chancery and by the Council of Lieutenancy, as well as in all the law courts of Hungary. In future the Magyar language was to be taught in the secondary schools of the "annexed parts" as an ordinary subject, and was to be the medium of instruction in all schools in Hungary proper. The authorities in the said "parts" were bound to accept official documents couched in the Hungarian idiom, but might continue to use Latin in their correspondence with Hungarian officials. Thus, after a struggle which had continued almost without interruption since 1790, the Magyar language was raised to the position to which it was entitled as that of the dominant nation, or of the "predominant partner," if that familiar phrase is less offensive to racial susceptibilities.²

¹ Law ii. of 1844.

² Under what may, for convenience, be called the feudal system only birth could give rights; so long as the Catholic Church was supreme membership of that Church was essential to their full enjoyment. With the approach of the abolition of the former and of the dethronement of the latter the language

If the Croatians had wished to address the Diet in their own language something might have been urged in their favour, but nothing but the wish to annoy could have prompted a sudden recurrence to the use of Latin, voluntarily abandoned for years past in favour of Hungarian, which the Croatian deputies spoke without difficulty. As a matter of fact, they had no wish whatever to preserve the use of Latin, as they knew there was no feeling in its favour in their own country, where it was understood by only a trifling minority, but they wanted a weapon of offence, and could find it only in the Latin language, as there was no tongue in existence which could be described as the national language of the Slavs of Hungary, unless it were Servian, and to the exaltation of that jargon to an exclusive position no Croatian would have agreed. In Slavonia only 12,000 out of 145,000 spoke Croatian, and in Croatia 280,000 out of 570,000 spoke Servian,¹ and as the Palatine, the Archduke Joseph, wrote to Metternich, there was no question of any *national* feeling of hostility to Hungary on the part of the subordinate races. "The use of Latin has declined, as in the rest of Europe, and the people see no objection to the official use of the Magyar language, provided that they are not

question acquired a new and greater importance, as the majority of those who would now receive political rights for the first time were of non-Magyar origin.

¹ Horváth, *Huszondt évi*, ii. 214. Fényes's and other statistics, quoted by De Gerando, *Über den öffentlichen Geist in Ungarn*, p. 262, give the population of Hungary in 1842 as 13,784,170; of which 4,870,000 Magyars, 1,262,000 Germans, 2,311,000 Roumans, 4,273,860 Slavs. De Gerando, *o.c.* p. 287, states that all races where in contact with the Magyars spoke Hungarian, while Slovaks, Croats, Ruthenians, and others spoke Hungarian to each other, as it was the only language they could all understand. In their intercourse with each other Hungarian was used as pidgin-English is used in the Treaty Ports by Chinese from different provinces. Count Albert Apponyi, in his pamphlet already referred to, *The Juridical Nature, etc.*, says that in 1848 the nobles numbered 675,000 out of a population, according to him, of nearly 12,000,000. To the numbers of the privileged must be added over 16,000 clergy, members of enfranchised liberal professions (*the honoratières*), and the burghesses of the free towns, p. 8 n.

interfered with in the use of their own dialects in private. All peoples and races inhabiting the Kingdom, without exception, entertain this view, and in recent times the younger section of the population evinces a lively desire to acquire the Magyar language, even in places where it is not generally spoken.”¹ Better evidence of the artificial nature of the agitation could not be asked than that provided by this letter of a member of the House of Habsburg. The fact was that the Croatian deputies found that the triumph of Hungarian Liberalism meant the triumph of the principle of religious equality, and that the right of owning land in Croatia could then be no longer denied to the Protestants. There was no question of fighting for the maintenance of national rights. It was only the fact of the enjoyment of the benefits of the Hungarian Constitution by Croatia as a constituent part of the Hungarian kingdom that saved the Croats from Austrian despotism—as they were to discover to their cost at a later period, when they allowed themselves to be used as the catspaw of autocracy.

Since the Habsburgs abandoned the old Hungarian ✓ tradition with respect to the Balkan Peninsula, turned their eyes from the road which led towards Constantinople, and kept them fixed on Frankfurt, the central point of the German Confederation, the Slav races had begun to develop a tendency to look to Russia for their future. The Tsars naturally regarded with complacency a movement² which, even if it did not end in permanently increasing their realms or their influence in Western Europe, would in any case provide them with a useful weapon to hold over the head of Austrian Emperors, the population of whose patchwork dominions was more than half Slav. The possibility of the arrogation by Russia of a sort of “sacerdotal supremacy” over the Slavs of Hungary was

¹ Horváth, *Huszonöt év*, ii. 281. See also Beöthy, *o.c.* ii. 279.

² Bidermann, *Russische Umtriebe in Ungarn*, Innsbruck, 1867, p. 18 sq.

not lost sight of by the author of the apocryphal Will of Peter the Great,¹ but according to Kossuth,² the idea of Pan-Slavism as the union of all Slav races under Russian protection with a view to the formation of the largest political organisation the world had ever seen, was first suggested by Prince Adam Czartoryszki in 1815, as affording some consolation to the Poles for the dismemberment of their country. The idea was accepted with enthusiasm by the Tsar Alexander, and only the wedge, to use Palacky's phrase, driven into the Slav body by the Magyars,³ seemed to make the ultimate realisation of the dream an impossibility. Hence the hatred of the Pan-Slavs for Hungary. In any case there would seem to be evidence enough to show that the affection evinced by successive Tsars for the Slavs of Hungary was not purely unselfish, and was due to some other reason than a laudable desire for the spiritual welfare of their co-religionaries.⁴ At the time of the cholera epidemic in 1831, Russian agents were busy stirring up the peasants, and the Russo-Turkish war afforded a favourable opportunity of encouraging the idea of the identity of interests of all Slavs, and of fomenting hatred of the inconvenient Magyars.⁵ Austria, hypnotised for the moment by its fears of the nearer danger, the establishment of a united and democratic Hungary, lost sight of the possible ultimate consequences of Russian interference, and encouraged the mutinous tendencies of the Slavs in the hope of thereby checking the progress of Magyar Liberalism. Kolowrat, Austrian Minister and chief of the pro-Slavs, saw no inconsistency in encouraging the national desire of

¹ Bidermann, *Russische Umtriebe in Ungarn*, n. 98.

² *Schriften aus der Emigration*, ii. 168.

³ See *supra*, p. 3.

⁴ Horváth, *Huszonöt év*, i. 510, cites instructions given to Admiral Tsitsakoff in 1812 emphasising the necessity of stirring up the Slav races in Bosnia, Servia, Croatia, and Dalmatia, of promising them freedom and the establishment of a great Slav state.

⁵ Marczali, *A Legújabb Kor Története*, p. 417 sq., and Bidermann, *o.c.*

the Czechs as regards the maintenance of their language, and in thwarting at the same time similar aspirations on the part of the Magyars.¹ In the reign of Joseph II. the Croats were anxious for the maintenance of Hungarian independence, and protested against centralisation and germanisation as energetically as any Magyar. When, after the Peace of Schönbrunn, the parts lying beyond the Száva were given up to Napoleon, Croats apparently resented the dismemberment of their country less than the prospect of absorption by Austria. The short period spent under the French flag gave a great impetus to trade and to education, and greatly increased the Croats' idea of their own importance, and to some extent is responsible for the development of separatistic tendencies.²

At first the Pan-Slav movement was purely literary, but a new turn was given to it by the raising in the Diet of 1830 of the question of the exclusion of Protestants from the ownership of land. The fear of the removal of Protestant disabilities contributed to the production of a form of pseudo-patriotism among the Catholics of Croatia, and to the creation of a feeling of hostility to the Magyars, which, but for its economic origin, would soon have disappeared. The poet of the movement was John

¹ Count Leo Thun came forward as the champion of the Slovaks, alleged to be oppressed by the Magyars. See his controversy with Pulszky, who effectively answered him.—*Die Stellung der Slovaken in Ungarn*, Prague, 1843. No doubt Hungary did its best to establish the use of Hungarian among the uneducated Slovaks by making a knowledge of that language essential to employment in church and school. The priests hated the Calvinists of Hungary as much as they hated the Catholics of Austria, and then, as to-day, exploited the ignorance of the common people, and created a hostility to Hungary which otherwise would not have existed. Thun's idea was that timely concessions to the Austrian Slavs would prevent their looking to Russia for their future.

² Beöthy, *o.c.* ii. 279, says that after the collapse of Napoleon's Illyria, the parts of Croatia which had been incorporated therein petitioned Francis for re-union with Hungary, and declared that they wished to live and die under the aegis of the Hungarian Constitution. But the pocket interests of the Catholics caused this pro-Magyar enthusiasm to be short-lived.

Kollár, an evangelistic preacher, who in 1827 wrote a kind of Divine Comedy entitled *Slawy Dcera* (Glory's Daughter) in which he drew a glowing picture of the future of Russia—fated to extend from the Arctic Seas to Constantinople—and vilified the Magyars and all alleged oppressors of the Slavs.¹ A more redoubtable protagonist was Louis Gáj, to whose machinations such bitterness as was felt in Croatia with regard to the language question was almost entirely due. In 1835 he founded an anti-Magyar newspaper, the *Illyrian National Gazette*, in which, knowing that the Croats alone were no match for the Magyars, either in numbers or intelligence, he urged the necessity of a union of the southern Slavs, and of its necessary corollary, Croatian hegemony, under the protection of Russia, the tender mother of all Slavs, the predestined ruler of the world.² Russia's treatment of the Poles should have made Gáj's Croatian readers hesitate as to the advisability of sacrificing their local autonomy and the certain benefits enjoyed under the Hungarian Constitution; but the prospect of a reconstituted and glorified Illyria apparently obscured their judgment as to the respective merits of King Stork and King Log. The difficulty presented by the absence of a medium of communication between all southern Slavs was more or less got over by the adoption of the Ragusan dialect, which, under Italian influence, had developed into something resembling a modern language, which could not be said of the Croatian and Servian dialects to which it was allied.³

¹ Árpád, Charlemagne, and others guilty of interfering with the prospects of Slav expansion, are accommodated with special places in his Inferno, where they drink the filthy water of dunghills while devils dance on their stomachs. In 1837 Kollár wrote a pamphlet on the relationship of the different Slav dialects, the moral of which was that no matter how many Slav branches there may be, they possess a common Fatherland in Russia. His first work was published in 1832, entitled, *Shall we become Magyars?*

² He was generally reputed to be in the pay of Russia.—Horváth, *Huszonöt év*, i. 523. Pulszky, who was particularly well informed on the subject, also says that Gáj's press was run with Russian money.—*Életem és Korom*, i. 101.

³ Pulszky, *ibid.* i. 137.

In spite of unlimited abuse of the Magyars, the Illyrian movement made but little headway, though the Viennese Government, which had censored and suppressed to the best of its powers the attempted development of a periodical literature in Hungary proper, threw no obstacles in its way, and winked at the treasonable propaganda of Gáj and his followers.¹ If any one had a reason for complaint it was not the Croats (with whose limited autonomy, enjoyed for centuries, no Hungarian had attempted to interfere), but the Magyars of Croatia, as the scandals which had marked the elections of representatives to the Diet of 1844 were repeated the following year, and the nobles who were not members of the Illyrian party were deprived of their votes. The Bán produced a royal rescript which stated that the right of voting at the provincial Diet belonged only to those summoned by writ of the Bán and personally present, and as that official had taken care to summon only the high Catholic clergy and members of the Illyrian party, the Croats who were loyal to Hungary, and the Magyars of Croatia, were stripped of the rights which immemorial custom had given to every noble.²

Now for the first time the notion was propagated that fractional nationalities, settled in a country which had indisputably belonged to the Hungarian kingdom for nearly a thousand years, were entitled to form *regna in regno* and renounce allegiance to the paramount nation, but for whose protection they would long ago have been absorbed in Austria, if, indeed, Austria had itself escaped the dismemberment with which it was threatened in the days of Maria Theresa. The words used by the Palatine, who was also an Austrian archduke, in the Upper House

¹ Francis sent Gáj a diamond ring, and an Order to Count Draskovitch, his chief supporter.—Horváth, *Huszoni év*, i. 531. Metternich, on the other hand, disapproved of the encouragement given to the Pan-Slavs.

² Pulszky, *o.c.* i. 213.

of the Diet on June 28, 1843, with respect to the Illyrian movement should not be forgotten, for they are no less to the point to-day than they were sixty-five years ago : "*When every fraction of the Hungarian people lays claim to a separate individuality, the general welfare of the country is threatened. I belong to those who think that every inhabitant of Hungary, whatever his language may be, while he enjoys the rights, the privileges, and the benefits of the Magyar Constitution, should consider himself a Magyar.* Here there is no Illyrian nation ; there is only one nation, the Hungarian. I repeat that the welfare of the country has hitherto been derived from the unity of the constituent nationalities." Baron Rauch, a Croatian magnate, followed in the same strain, and attacked Gáj and his followers for their attempt to impregnate the youth and the clergy with ridiculous notions, and for "assuring them that in the near future the Russians will dictate laws in Pressburg, and will grant a constitution to all nationalities which join them."¹ The agitation was in fact fictitious, and at this period had but little effect on the masses, whose free use of Slav dialects in church² and daily life was in no way threatened. But the view entertained by the Palatine was not that of the Viennese Government. "It is certain ✓ that Metternich's Government gladly availed itself of the opportunity of drawing to itself the non-Magyar-speaking races, more especially the Croatians, by the grant of secret support, or at least by the promise of it, and so prevented the disappearance of the evident antagonism between them and the Magyars. . . . It is undeniable that the Government's plans were put into practice with great skill, with the result that very few among those whom the Government intended should play an active part in the strife of parties saw through its designs and

¹ De Gerando, *Über den öffentlichen Geist in Ungarn*, p. 325.

² Except where the great majority of the population were Magyars, and wished for the use of their own language in Protestant churches.

realised the fact that, while nominally fighting the battle of the nationalities, they were in reality only catspaws utilised for the attainment of ends which had nothing in common with their racial aspirations.”¹ The truth of this statement is proved by the fact that the publication of Gáj’s disloyal and anti-Magyar paper was allowed, while that of Kossuth’s account of the proceedings of the Diet was forbidden ; and the answer to the charge brought against the Magyars of oppressing the Slavs by attempting to suppress the use of their dialects, is to be found in the fact that no steps were taken in Hungary to interfere with the dissemination of Pan-Slav extravagancies. The result of Viennese encouragement was that Croatia began to have pretensions to be looked upon as an allied country, not as a constituent part of the Hungarian kingdom, to demand union with Dalmatia, and to object to any interference in Croatian affairs,² while maintaining its influence on Magyar politics by means of its representatives at the Hungarian Diet. If racial suicide is to be commended, and the Magyars are to be blamed for acting in self-defence and for attempting to utilise school and church for the maintenance of their existence as a nation, well and good ; but if the instinct of self-preservation is not wholly vile, the feeling of resentment aroused by the connivance of the Viennese Government at the separatistic propaganda of the so-called Illyrian party was amply justified. Wesselényi, the earliest Hungarian prophet of federation,³ saw in the disabilities of the peasants the chief justification

¹ *Ost und West*, the pro-Slav Viennese publication, March 1862.—Horváth, *Huszondi év*, i. 530.

² Kónyi, *Dedk Ferencz Beszédei*, i. 397.

³ In 1843 Wesselényi published his *Szózat* or appeal, in which he pointed out that Austria should prevent the nationalities from turning their eyes to Russia by developing the spirit of freedom and contentedness. He suggests a form of federation and the formation of five groups : (1) The German provinces, including Carinthia and Carniola, whose scattered Slavs should have the same privileges as the Saxons of Transylvania ; (2) Bohemia and Moravia ; (3) Galicia ; (4) Lombardo-Venetia and the Italians of Dalmatia ; (5) Hungary and the parts annexed.—See Horváth, *Huszondi év*, ii. 126 sq.

for the fear aroused by the spectre of Pan-Slavism. In his view a strong Hungary was essential to Europe as a defence against the spread of Russian obscurantism, and the right of citizenship should be conferred on all who could read and write Hungarian. Above all things, all semblance of an attempt to deprive the constituent nationalities of their languages should be avoided, lest Croat, Slovák, and Servian should be driven into the arms of Russia, or become willing instruments in the hands of the reactionary Government of Vienna.

That the object of that Government still was the retardation of the moral and material progress of Hungary, was clearly shown by the attitude which it adopted towards the movement in favour of the emancipation of the peasants, and with regard to the commercial relations of Austria and Hungary. The basis of those relations was formed by the principle that it was Hungary's business to supply Austria with raw material, and Austria's exclusive privilege to provide Hungary with the manufactured article. Consequently, any attempt of the latter to develop its incipient manufactures was looked on with disfavour by the former, for fear that the Hungarians might ultimately become commercially self-sufficing. Though, since 1825, the Diet continually complained of the fact that the customs tariff was all in Austria's favour, and was intentionally fatal to the possibility of Hungarian commercial development, the Austrian Government turned a deaf ear to all remonstrances and denied the right of Hungary to have a voice in the matter. So long as that country was purely agricultural its only wish was for the removal of the customs barrier erected in Austria's interest between the two countries ; but when the fact was realised that the want of local manufactures was one of the chief causes of the nation's poverty, ideas changed, and the maintenance of that barrier was desired in order to prevent the swamping of nascent industries by Austrian

exports, but with modifications which would put an end to the existent one-sided arrangement. Three, four, and even ten times as much duty had to be paid on goods exported from Hungary to Austria as on those sent from Austria to Hungary. A heavy transit duty was imposed on exports from Hungary to foreign countries passing through Austria, which, consequently, constituted the only market for Hungarian products, and thus could practically fix its own price. As between the two countries, the balance of exports over imports was enormously in favour of Austria, four-sevenths of whose products went to Hungary in 1841. Money flowed out of Hungary. Seventeen million florins were paid to Austrian manufacturers in one year for cotton goods alone, which could perfectly easily have been produced locally.¹

In 1844 the Diet sent an Address to the King, asking for commercial reciprocity, for statistics of imports and exports, for information as to the working of the existing tariff system, and on other matters affecting the commercial relations of the two countries. The Government, in order to burke inquiry, delayed the despatch of its reply till only three days remained before the dissolution of the Diet. The reply stated that "the fact that more had not hitherto been done for the advancement of Hungary's commercial interests must be ascribed to the difficulties presented by attendant circumstances, but that the Government has the matter at heart, and will take steps with a view to the promotion of the material welfare of the Kingdom." The wished-for statistics were not sent, and the vague nature of the long-delayed answer gave fresh proof of the Government's intention of doing nothing to remedy the grievances which had been the subject of incessant complaint for nearly a century. The excuse usually put forward in justification of the maintenance of the unfair tariff system was that Hungarian

¹ Horváth, *Huszonöt év*, ii. 246-47.

landowners paid no taxes, and, consequently, so it was alleged, were at a great advantage as regards the cost of production of raw materials as compared with Austrian producers, and that the tariff system to some extent redressed the resultant inequality. A second excuse was found in the fact that the tobacco traffic was a State monopoly in the hereditary provinces, but not in Hungary, and as that monopoly was the chief source of Austrian revenue, a protective duty to exclude Hungarian tobacco was an absolute necessity until the Diet consented to the extension of the monopoly to Hungary, in which case Austria would be compensated for the abolition of the customs barrier. The first-mentioned excuse would promptly have disappeared if the Government had used its influence in favour of the principle of universal taxation, one of the chief desires of the Liberal party, instead of retarding its adoption for fear of its necessary consequence—a stronger and more democratic Hungary. The tobacco question the Government approached in a characteristic manner. It established its factories in various parts of Hungary, and proceeded to undersell the Hungarian producers at a loss to itself, under the pretence of benefiting the poor consumer, but in reality in the confident belief that a few years of “dumping” would ruin the local manufacturer, and that thenceforward Austria would obtain the desired monopoly without having to make any concessions as regards the tariff question. The execution of this plan was facilitated by the fact that the better class of leaf for mixing purposes had to be imported by Hungary from abroad ; consequently, by raising the duty on that article the ruin of the Hungarian manufacturer could be assured. As usual, Austria was using loaded dice, and it was evident that Hungary must play its own game without reference to the susceptibilities or the convenience of its antagonist.¹

¹ Széchenyi's schemes for the improvement of the breed of horses,

Stephen Bezerédj voiced the common discontent and suggested the remedy when he exclaimed in the Lower House: "Some time or other we must awake from our lethargy and set up on our own doorsteps that which we are not allowed to erect on our frontiers. If we do not wish to groan eternally under the commercial yoke of the foreigner, let us combine to form a protective union."¹ The idea was greeted with enthusiasm, as affording a means of escape from the economic tyranny of Austria, and October 1844 saw the establishment of the Protective Association, the members of which, drawn from all classes of society, bound themselves, for a period, to the exclusive use of home-made products. The object of the association was not merely to boycott goods "made in Austria," but to prevent the migration of skilled labour, which found insufficient opportunity at home, to promote trade in general, and to encourage the establishment of manufactories of those articles which could just as well be produced in Hungary as across the frontier.² Here, it seemed, was an idea

agriculture, etc., did not run counter to Austria's interests, and consequently were not altogether discouraged, but those of his proposals which would tend to make Hungary commercially self-sufficing were opposed. For instance, the proposed land mortgage bank had to be dropped, as the Government insisted on keeping the control in its own hands instead of appointing officials from a list of candidates submitted by the Diet. The Government clearly wished what was intended to be a benefit to the country to be degraded into an instrument of bureaucratic interference and corruption.—Horváth, *Huszonöt év*, ii. 266 *sqq.* The same fate befell another of Széchenyi's proposals (first made in the *Jelenkor* or "Present Time," and developed into a pamphlet, *Az Adó és Két Garas*, "The Tax and Two Kreuzers"), suggesting that each noble should pay two kreuzers every year for every acre and a half he owned. The resultant six and a quarter million florins per annum would enable a loan of a hundred millions to be raised for public purposes. The Lower House accepted the idea of a public fund of this nature, and offered 10,340,000 florins, to be spread over the next three years to form an interest and sinking fund for railway loans, etc.; but the Government's supporters in the Upper House would only agree to 1,000,000 per annum for that period—too small a sum to be of any practical use. So the idea was abandoned.

¹ Marczali, *A Legujabb Kor Története*, 556.

² Kónyi, *Dek Ferencz Beszédei*, ii. 64 *sqq.*

that would unite all parties without distinction, but the natural hostility of the Government prevented the Conservatives from co-operating, and membership soon became a party question. Széchenyi opposed the establishment of the Association on the ground that it would do Austria so much harm that it must infallibly provoke a fatal retaliation, but neither his prognostications nor the opposition of the reactionary party could stop the ball which Bezerédj had started rolling. Within three weeks the Association numbered 60,000 members, and 146 branches were quickly established in various parts of the country.¹ The leaders of society set the example of wearing dresses made exclusively of Hungarian materials, and all who claimed to be patriots were bound to follow suit. An exhibition of local products was held, and factories were started. Some succeeded, others failed; but in any case the foundation was laid of future commercial development. In the first year of its existence the Association reduced the proceeds of the sale of imported cigars by 3,000,000 florins, to the great disgust of the Viennese Treasury,² and Metternich suggested to the Palatine the advisability of taking steps to suppress the dangerous innovation; but the Archduke pointed out that the Association was a private society, in no sense illegal,³ and of course the Government could no more compel the members to use Austrian products than the British Government could compel the English to eat German sausages. Austrian manufacturers began to find themselves squeezed out of the market which they had hitherto monopolised, and resorted, but without success, to the modern trick of marking their goods "Made in Hungary."⁴ The inspired Austrian Press started a campaign of calumny, which finds its counterpart in modern times, and alleged that the

¹ Horváth, *Huszonöt év*, ii. 364.

² Horváth, *Huszonöt év*, ii. 369.

³ Beöthy, *o.c.* ii. 342.

⁴ De Gerando, *Über den öffentlichen Geist in Ungarn*, p. 443 n.

formation of the Association proved that Hungary wished to sever all connection with Austria. Magyars of all shades of opinion protested against the insinuation, and the only result of the Press campaign was still further to incense public opinion against rich absentees who spent in Vienna the money which they drew from Hungary. Count George Apponyi, the leader of the "Party of Deliberate Progress," who had been recently appointed Vice-Chancellor, saw that the only way in which the Government could combat a dangerous movement was to take the wind out of the Association's sails by parading a conciliatory spirit, and by abolishing the most crying abuses of the one-sided tariff system. But it had always been the principle of the Viennese Government to give way only an inch at a time, with the result that in the long run it had to concede an ell, where the concession of half a yard in the first instance would have brought peace with honour. It consented to a reduction of the duty on certain articles, but in many instances the new tariff maintained the same proportionate difference in Austria's favour,¹ and in all cases unfairly penalised the incipient trade of Hungary.

It was evident that no serious concession could be expected. The Government was, in fact, more disposed to abolish the customs barrier, as that would be a step in the direction of the absorption of Hungary, than to modify it to Austria's loss; and abolition was out of the range of practical politics unless compensation were obtained by the establishment of a monopoly of the tobacco traffic, which the "dumping" policy was intended to bring about. It affected to believe that Hungary had no right to be heard on the tariff question, but could cite no law

¹ See the instances given by Horváth, *Huszonöt év*, ii. 382-83. In the case of raw silk, for instance, which Austria worked up and exported, and consequently wanted cheap, the duty was 4 florins 10 kreuzers per centner, while the duty on the same material imported into Hungary was 100 florins.

in support of its view. The Pragmatic Sanction provided no justification, and Law x. of 1790 clearly recognised the mastery of Hungary in its own house, subject to the constitutional authority of its King, who must know how to dissociate himself at times from the Austrian Emperor. Hungary was to be, as far as the Government could make it so by the imposition of an import duty which was almost prohibitive of foreign competition, a private market to be flooded at Austria's will with inferior Austrian productions. Baron Sinai, the first financial authority of the period, in the course of conversation, which Wirkner¹ records, gives the view of the hard-headed Austrian business man of the economic relations of the two countries. "It is a question whether Austria would gain anything if Hungary were to attain a high state of civilisation. People believe that Hungary contributes nothing to the common expenses. Far from it. Hungary is a little West Indies for Austria. Every handful of grain, every product of Hungary pays a high duty at the Austrian frontier, and, on the other hand, Hungary takes the very worst manufactured articles from Austria, and thereby increases the tax-paying capacity of the latter. What money is left in their country the Magyar cavaliers bring to Vienna and spend it there."

Here, at least, we have an unprejudiced foreign opinion on the financial aspect of the question, a strong confirmation of the Hungarian view on the subject of the organised exploitation, not to say spoliation, of which Hungary had been the victim since the days of Maria Theresa. Some Hungarians saw the sole chance of escape from an impossible position in the inclusion of Hungary and Austria in the German customs-union²—influenced by the fact that in case of a good harvest in both countries the former had no market, in existing conditions, for its surplus products; but the suggestion received but little support.

¹ *Élményeim*, p. 121.

² Horváth, *Huszonöt év*, ii. 157.

Seeing that the Zollverein brought closer political union between the parties to it in its train, the great majority of the Magyars came to look upon the customs barrier erected between Hungary and Austria as an obstacle to possible ultimate incorporation in the hereditary provinces, and realised that to consent to its abolition might be equivalent to political suicide. It was realised that the establishment of a customs-union between Hungary and Austria, and the maintenance of a protective system *vis-à-vis* the rest of the world, must eventually make the commercial monopoly enjoyed by Austria in Hungary still more complete, and postpone, perhaps for ever, the realisation of Hungary's desire for economic independence. This was the view maintained by Kossuth, who rightly refused to be satisfied with sops thrown from time to time by Austria in the hope of effecting a temporary pacification, but took his stand on the Constitution and declared that Hungary required no concessions, only its strict legal rights—freedom to work out its own economic salvation on its own lines. He laid special stress on the necessity of obtaining direct connexion with the outside world, on building a railway to Fiume, Hungary's port, in order to avoid the necessity of transit through Austria to Trieste. In 1840, the export of goods *via* Fiume had increased threefold in comparison with the figures of the preceding six years, and yet the Government, which spent millions on the development of Trieste, and a considerable sum on that of Venice, would not spend a penny on the provision of proper shipping accommodation at Fiume. Forty-seven counties instructed their representatives to support the scheme, in order that the traffic originating in the basin of the Danube might obtain a direct outlet to the Adriatic—the key to foreign markets. The Lower House was ready to guarantee four per cent interest on the cost of construction, and to push the scheme with all its power, but when the

Magnates passed an amendment to the effect that the Government should be requested to build the line, the scheme was shelved.¹ The meaning of Governmental control was too well known—endless obstruction, delay, and discouragement, for fear that Trieste would suffer from the competition of a Hungarian port, and that Hungary's dependence on the Austrian market might ultimately cease.²

Not only in economic matters, but in the general field of politics as well, the results attained by the Diet of 1843-44 were far from being in proportion to the amount of energy expended. A notable success had been obtained as regards the recognition of Hungarian as the official language of the kingdom of Hungary, an advance had been made in the direction of religious equality,³ and one of the disabilities of the non-nobles had been removed by making them eligible to public office. Henceforth the peasant might own land; but this concession could be of no great value except as a matter of principle, until the existing system of entail (*ósiség*) was abolished. Abolition was, however, sure to follow, now that the first steps had been taken in the direction of non-noble ownership; and electoral rights could not long be withheld now that eligibility to office was no longer confined to the privileged classes. But it must not be supposed that progress was to be measured only by the number of laws added to the statute-book. As Horváth points out, in the abnormal position of affairs, the result of Hungary's "mixed marriage" with Austria, and of the absence of an effective

¹ Kossuth did not abandon hope. He visited Trieste in 1845, and the result was his article in the *Heilap*, January 27, 1846, "Tengerre Magyar!" (Seawards, Magyar!).

² Horváth, *Huszonöt év*, ii. 166, 247 sq.

³ Law iii. of 1844. At mixed marriages the ceremony may be performed by Protestant clergy. Any Catholic wishing to become a Protestant can do so by making a declaration in the presence of a priest and two witnesses. If the priest refuses to grant a certificate of conversion, the witnesses can do so. As regards the first point the Act is retrospective also.

uncensored Press, one of the chief functions of the Diet was to create public opinion, not merely to give effect to it; and judged from this point of view, the Liberal party had not laboured in vain, but had laid a solid foundation which could not long remain without a superstructure.¹

¹ *Huszonöt év*, ii. 259.

CHAPTER XI

THE Government was not slow to realise the fact that the popularity and strength of the Opposition had greatly increased now that the country's eyes had been opened to the possibility of commercial development and of freedom from economic dependence on Austria. With a view to the recovery of its waning prestige, the Government decided that, henceforth, it would itself be the initiator of reforms and not wait to have them forced on it by the Liberals. It hoped to dish the Opposition : to beat the reformers at their own game, and to compel them to follow the governmental lead on pain of losing their popularity. Count George Apponyi, the leader of the "Party of Deliberate Progress," was entrusted with the management of Hungarian affairs, and commissioned to inaugurate the new policy, for the success of which two things were essential. In the first place, the abnormal, unparliamentary, position of the Government must be altered ; at all costs the perpetual majority of the Opposition must be destroyed. In the second place, a leaf must be taken from the book of Joseph II., and the power of the counties to paralyse unconstitutional action must be abolished. In Hungary there was a divergence of opinion as to the merits of the county organisation. Some looked upon it as an incomparable institution, the product of an almost supernatural wisdom, while others considered it to be the chief obstacle to

progress. Ladislaus Szalay,¹ the editor of the *Hirlap* since Kossuth's resignation in July 1844,² and Eötvös and Csengery, the chief contributors,³ were among the latter. They objected to the existence of fifty-two *regna in regno*, to the compulsory nature of their "instructions" to deputies, and to their power of bringing the whole governmental machine to a standstill by a simple refusal to obey orders.⁴ They wished the influence of the counties to be limited to local affairs, and the executive power to be transferred to the hands of a strong central government operating on true parliamentary lines. In their opinion the patriot should not content himself with opposition to the Government, but should strive that the Government may be so organised that there may be as little cause as possible to oppose it.⁵ But the larger party took the view that if the power of resistance of the counties were weakened or abolished, the Government would find the task of destroying the Constitution comparatively easy, and that it was a mistake on the part of Eötvös to cast ridicule on the county organisation,⁶ and

¹ The celebrated historian.

² He failed to get permission from the Government to start a new paper. It is evident from Wirkner's account that Metternich tried to get hold of Kossuth, though he declared that he hated bribery, despised the man who allows himself to be corrupted, and would never ask anything of Kossuth that could hurt his moral feelings. At the same time he asked him "to name the compensation for his time and trouble which would best answer to his wishes from the material point of view."—Pulszky, *Életem és Korom*, i. 173; Wirkner, *Elményeim*, 123 sq. "Utilise him or hang him," was Széchenyi's advice to the Archduke Louis.

³ Beksics' *A Magyar Doctrinairek*, 1882.

⁴ For the powers of the counties, see Cziráky, *Conspectus Juris Publici*, Bk. I. ch. v.

⁵ Eötvös's articles were reprinted in *Die Reform in Ungarn*, Leipzig, 1846, reprinted in Hungarian, Pest, 1868. He takes as his starting-point the impossibility of the continued existence of a privileged minority with all the power and no obligations; the fatal results of the non-severance of executive and judicial functions; and the necessity of abolishing the oligarchy and opening wide the gates of citizenship.

⁶ In *A Falu Jegyzője*, 1845 (The Village Notary). See Grünwald Béla, *A régi Magyarország*, Budapest, 1888, pp. 436-451.

to weaken its hold on the popular affection unless and until a proper system of representative government, and a national and responsible Ministry, were brought into being. The justice of this opinion was soon to be proved.

In 1844 the idea occurred to Kolowrat to appoint a commission to consider the whole question of the county organisation with the object of converting the lords-lieutenant into active instruments of governmental control. In many counties the lord-lieutenancy was a hereditary office, or was vested in the chief ecclesiastical authority, and absenteeism was the rule rather than the exception. It was decided that this state of affairs must end, and immediately after the dissolution of the Diet a rescript was sent to the Palatine giving instructions that henceforth the lord-lieutenant must reside in the county, preside at all meetings of the local Diet, audit the finances, see to the collection of taxes, and generally become the central controlling figure of the official body. In return for the increased demands on his activity his pay was to be trebled, and he was to be assisted by a "well disposed" secretary, in other words, by a creature of his paymaster the Government. If the existing lords-lieutenant refused to accept these conditions, which amounted to a recurrence to pure Josephism, they were to be allowed to keep their titles, and the Government would appoint administrators in their place. These latter, together with the lords-lieutenant, would be responsible for the good government of the counties and would be liable to severe punishment if guilty of remissness or of connivance with the Opposition. "Apart from their strict official duties," said the rescript, "it is incumbent on the heads of the county organisations that they should take steps to obtain a majority loyal to the Government and to the Constitution, that they should report on every meeting and on the nature of its deliberations, and should inspect the minutes of the same. With

regard to the appointment of officials they are to put themselves in communication with the Government and to carry out its instructions with every means at their disposal." Thus, the constitutional guarantees afforded by the county organisations were to be destroyed; a bureaucracy directly dependent on the Government was to take the place of elected representatives; and a subservient majority was to be scraped together by fair means or foul. Eötvös declared that the administrators could only succeed by means of bribery, and subsequent events justified the statement. The new *régime* was initiated on February 26, 1845, in spite of the objections of the Palatine, the Archduke Joseph, to the curtailment of the counties' elective rights. Thirty-two Administrators were appointed, who proceeded to justify the confidence reposed in them by their Viennese paymasters by packing meetings, holding them without due notice, using soldiers to eject the Opposition at the point of the bayonet,¹ bribing on a large scale,² and drawing up the "instructions" to deputies in accordance with the requirements of the Government, or modifying them after the session had begun.³ In Croatia the Bán imitated the Administrators and jockeyed the Opponents of the "Illyrian" tools of Vienna out of their votes.⁴ All over the country the prospects of the Liberals looked so black that Széchenyi asked Apponyi to be careful not to annihilate the Opposition lest Vienna

¹ Bihar County.—Horváth, *Huszadik évi*, ii. 327 sq. De Gerando, *Über den öffentlichen Geist in Ungarn*, p. 232.

² Hont County, where in January 1845 the Administrator distributed 17,000 florins, and in Miskolcz, where the agents of the Government openly bought votes in the streets.—De Gerando, *l.c.* No doubt the Opposition also used bribery and corruption. Wirkner (a tainted source) says that candidates would entertain their supporters by hundreds and that many families were in consequence reduced to beggary (*Élményeim*, p. 185), a state of affairs to be paralleled only by county elections in England in the same century. See also Kónyi, *Dedk Ferencz Beszédei*, ii. 89 sq.

³ Beöthy, *o.c.* ii. 379.

⁴ A deputation was sent to Vienna to complain of the illegality of the Bán's action, but was not received.

should have matters all its own way.¹ In October 1846, Apponyi was appointed Chancellor, a proof of the confidence of the Government in the success of the new *régime*, and in its ability to overwhelm the Liberal Party. But the Opposition was not dead; on the contrary, though the general hatred of governmental interference in the counties and the fear of possible reduction to impotence made it more radical, more Kossuthian, mistrust of Vienna led to a *rapprochement* between it and the more advanced of the Conservatives; and the idea that the institution of a responsible ministry and a wide extension of the franchise alone could guarantee the maintenance of Hungarian independence met with far more general acceptance than hitherto.²

Count Antony Széchen at a meeting held on 12th November 1846, formulated the programme of the Conservatives, who were now to form an organised party, declaring their belief in the loyalty of the expressed intentions of the Government,³ which now announced its determination to adopt a policy of active reform, and promising consistent support, so long as due regard was had to the moral and material interests of the country.

¹ Marczali, *A Legujabb Kor Története*, p. 578. Unfortunately Széchenyi had been induced by Apponyi to accept the appointment of chairman of a commission appointed to consider improvements in the means of communication, which created the impression that he approved Apponyi's policy.

² For the "Stimmung" of Hungary at this period see Anton Springer, *o.c.* ii. 90. "Eine ähnliche mächtige Bewegung, wie man sie nach dem Tode Kaiser Josephs und dann wieder kurz vor dem Reichstage 1825 bemerkt hatte, durchzitterte das Land von einer Grenze zur andern, die Politik verdrängte abermals alle anderen Interessen, die öffentlichen Angelegenheiten liessen jede andere Sorge zurücktreten, dem Vaterlande unmittelbar zu dienen, mitzurüsten für den Streit, mitzukämpfen die Schlacht, hielt sich jedes Individuum im Gewissen verpflichtet."

³ The Government's concessions on the language question were referred to as a proof of its goodwill. The fact that it had taken fifty years of incessant struggle to extort such "concessions" was forgotten, as were the connivance of the Government with the Illyrian separationists, the censorship, the illegal arrest of members, the administrators, and the tariff system. For the programme, see Horváth, *Huszondi évi*, ii. 438-45.

The programme condemned the tactics of the Opposition, whose principle, so it alleged, consisted in doing everything against the Government and nothing with it, and declared the readiness of the Conservatives for reform under the aegis of Vienna. Apponyi's plan of campaign, submitted for the acceptance of the Viennese Cabinet in January 1847, suggested that, in place of the sketchy legislative propositions usually contained in the King's Speech, the Government should come forward with cut and dried Bills, and should no longer leave the initiative to the Diet. The idea was that this innovation was an approximation to a true parliamentary system as exemplified by England, but the essential fact was lost sight of that in England the power is in the hands of the majority, whereas in Hungary the Government had hitherto been in a perpetual minority—a circumstance which made all analogy between the two countries illusory. But this was a matter of no consequence to Apponyi, who wished that reform should come in a moderate form from above rather than in a more radical guise from below. His proposals,¹ therefore, touched all questions which chiefly agitated the public mind, but at the same time took care to safeguard the interests of Vienna. The immunity of the nobles from taxation was to be abolished, and the tobacco monopoly was to be introduced, the Diet's consent to which was to be purchased by the provision of improved means of communication. The question of urban representation and of the organisation of the royal free towns was to be dealt with—naturally not in a way that would diminish the Government's hold on the Diet, from which the representatives of absent Magnates were henceforth to be excluded. The system of entail and the Crown's rights of succession were to be "regulated" but not abolished. An end was to be put to the disorderly proceedings of the occupants of the gallery, and the "misuse of the right of

¹ Hartig, *Genesis der Revolution*, Appendix I.

free speech " at the provincial Diets was to be restrained. The penal code and the prison system were to receive attention, and the regulation of non-commercial associations, "the abolition of which by the Government might be justifiable but impolitic," was to be taken in hand. Finally, the redemption of feudal dues was to be facilitated, "in order to impregnate the country population with a spirit of confidence and with a feeling of attachment to the Government."¹

It was evident that only half-measures were intended, and that the semblance rather than the reality of reform was the object in view. The origin of this programme is to be found in an extraordinary letter,² dated May 9, 1844, and addressed to the Palatine by Metternich, whose ideas on the subject of Hungary had hitherto been limited to the view that the essence of good government consisted in steady opposition to the wishes of the majority. Between platitude and misrepresentation some particles of truth manage to ooze out. "Those States which remain stationary are necessarily retrogressive; those which advance in a wrong direction march to destruction. For States to thrive it is essential that they should advance in accordance with principles, and in a direction which is in conformity with the requirements of the age. Hungary has remained at a standstill for the reason that it was for a long period under the Turkish yoke, and, consequently, was subjected to foreign political influence, was involved in civil strife, and for more than a century had no strong

¹ The reality of the desire of the Government to improve the peasants' lot may fairly be questioned. In 1846, a Leipzig bookseller, Otto Wigand, published a pamphlet on the urbarial question dealing with the *corvée* and other feudal relics, and demanding their abolition in the name of humanity. It contained no word of attack on the King and his Ministers, but attacked the privileges of the Nobles. Result, that the Government decreed that *all* books published by Wigand should be confiscated in future.—De Gerando, *Über den öffentlichen Geist in Ungarn*, p. 245.

² Set out in Wirkner's *Élményeim*, 151 sq. Horváth's version differs somewhat.—*Huszonöt év*, ii. 274 sq.

government. The country was tired during the reign of Maria Theresa, the beginning of which was occupied in a struggle to maintain the throne, and wanted scarcely anything but internal peace. From this slumberous state it was aroused by Joseph II. The period of its revival was marked by the Diet of 1790-91, which had more or less the character of a constituent assembly. . . . *The long reign of His late Majesty did nothing for Hungary.* The fault did not lie in the ideas of the Monarch, but was due to the dearth of men capable of answering the requirements of the situation. The unfortunate state of affairs which obtained was the result not of want of will on the part of the governmental authorities but of failure to understand the necessities of the situation ; *for two conflicting principles stood face to face, those of Hungarian constitutionalism and German despotism.* . . . The Diet of 1825 marks the beginning of a new era in Hungarian history, not only because it began with a declaration on the part of the King that he had irrevocably entered on the path of constitutionalism, but also for the reason that the democratic elements of Western Europe began to exercise an influence on the confused position of Hungarian affairs. . . . Public life in Hungary is paralysed . . . this is the plain unvarnished truth . . . it is paralysed for the reason that *the Government has lost its moral force* . . . because the power is in fact in the hands of fifty-two counties, which fact is, of itself, enough to make the general welfare of the country a mere *pium desiderium* ; for the reason that the democratic principle is in direct contradiction with the whole body of circumstances existing in Hungary, beginning with those affecting the ownership of land, and finally, because there is no possibility of obtaining a majority for the Government in the Lower House. A State with constitutional representative institutions cannot survive but must come to an end if the Government cannot command a majority." That majority

was to be obtained by fair means or foul in order to maintain the hold of "German despotism" on Hungary, of a Government which had "lost its moral force." As if Vienna had not sufficient influence already. It controlled the army, completely controlled the revenues, could force its bank-notes on the country in exchange for cash and then depreciate the paper currency at will, education was entirely in its hands, the censorship controlled the thoughts of the people, and the one-sided tariff system emptied their purses. A creature majority in the Lower House must now be concocted in order to accomplish Hungary's final destruction.¹

The pronouncement of the practical identification of the desires of the Conservative party with those of Vienna, and the activity displayed in attempting to secure a majority for reaction masquerading under the cloak of progress, provoked the Opposition to issue a counter-manifesto,² the work of Deák, which did much to bridge the gulf fixed between the doctrinaire Liberalism of Eötvös, moderate Conservatism, and the Radicalism of Kossuth and his followers. Stress was laid on the necessity of adherence to principles and not to leaders, and of keeping a close watch on the Government, whose action in connexion with the Croatian illegalities and with the appointment of the administrators showed that the organisation of the Counties no longer afforded a sufficient guarantee of the maintenance of the Constitution, which could be preserved only by the establishment of a central and responsible Government. ✓

¹ "It is obvious that if the system were suffered to take root a kind of Austrian bureaucracy would by degrees be engrafted on the Hungarian institution. . . . The ultimate result of the system would probably be the conversion of Hungary into an Austrian province and the Diet into a mere registrative Board, or, at most, an Administrative Council similar to the Landstände of the hereditary provinces."—Mr. Blackwell (British diplomatic representative at Pressburg) to Lord Ponsonby, January 28, 1848. *Correspondence Relative to the Affairs of Hungary presented to both Houses of Parliament*, 1850.

² For the text see Kónyi, *Deák Ferencz Beszédei*, ii. 163-69.

For the preservation of national individuality, religious equality, freedom of the Press, reunion with Transylvania, and equality of all before the law were declared to be essential. Before all, the privilege of the franchise and the burden of taxation must be enjoyed and borne by noble and non-noble without distinction, and the landlords must be compensated for the loss entailed by the compulsory abolition of the urbarial system which could now be delayed no longer. The Opposition would forget neither the responsibilities towards Austria deducible from the Pragmatic Sanction, nor the fact of the independence of Hungary reaffirmed by Law x. of 1790-91. The Opposition justly complained that the Government now presented itself to the country in the guise of a parliamentary party, but at the same time insisted on the provision, by fair means or foul, of an unconditionally submissive majority instead of asking for independent support on the strength of a meritorious programme. How much could be expected from the Government in the way of fair treatment had recently been shown by its action in the matter of the primary schools, the exclusive control of which had been handed over to the Catholic bishops, whose sectarian zeal augured ill for the Protestants. / The Opposition wished religious and secular instruction to be kept distinct, that each denomination should receive its spiritual training at the hands of its own clergy, and that the control of elementary schools should be given to the communes, subject to the supervision of the county executive, which could not legally be deprived of its general supervisory authority.

Though plenty of inflammable material had accumulated, no one save Széchenyi appears to have believed in the possibility of an explosion. Apponyi and Metternich considered the Opposition to be a nuisance but not a danger, and Wirkner led the Government to believe that an obsequious majority could be obtained by the expenditure

of a few hundred thousand florins.¹ Széchenyi, who now feared the development to its logical conclusion of the progressive tendency which he had been the first to stimulate, issued a passionate appeal² to his countrymen—a last effort to restrain their advance along the path which he feared would lead to revolution. Hungary, he said, was unfair to Vienna—looked for evil motives where none existed, and lost sight of, or took a perverted view of, the consequences necessarily arising from the “mixed marriage” with Austria. He still believed in the incompatibility of material progress with radical reform, and, though in favour of the emancipation of the peasants, and of the equal distribution of the burden of taxation, feared that a hasty and simultaneous realisation of both these *desiderata* would divide the country into two hostile camps instead of fusing all classes to their common advantage. He admitted the genuineness of Kossuth’s motives, but declared that the road to hell is paved with good intentions, that Kossuth was “full of phantasy and self-confidence,” fancied himself to be the Messiah of a new political era, and would be responsible for all the evil that might ensue if he did not retire from the leadership of the Opposition. The pamphlet, which invited the people to work in harmony with, and not in opposition to, the Government, and was intended to assist Apponyi in his task of concocting a majority, failed to attain its object. The general opinion regarded the appeal as an outburst of personal animosity against Kossuth, who neither read nor replied to the attack of “the greatest of the Magyars,” as he had himself styled his adversary. No *modus vivendi* was possible between the two, and in the absence of Deák from the fighting line³ there was no one to dispute

¹ Pulszky, *Életem és Korom*, i. 248.

² *Politikai Programtörvények*, Gróf Széchenyi István munkái, Bp. 1905, vol. ii.

³ In his constituency, Zala, the principle of the contribution of the nobles to the costs of local government was rejected, owing in a large measure to

Kossuth's claim to the leadership of the Opposition, for which his debating powers and his hold on the popular imagination obviously qualified him.

Both in Austria and in Hungary there was a general feeling of unrest—a conviction that a change was impending, that with the disappearance from the scene of Metternich and Marshal Radetzky, the main supports of the existing *régime*, both nearly eighty years old, the position of the Habsburg monarchy *vis-à-vis* the rest of Europe in general, and Germany and Italy in particular, could not fail to be sensibly modified. In these circumstances the Government was impressed with the necessity of doing something to allay the growing discontent of Hungary, of avoiding internal complications, the presentment of the spectacle of a house divided against itself, and the consequent destruction of its credit in the European money-market. Metternich and Apponyi talked glibly of the introduction of reforms which should increase the material prosperity of Hungary, but the shaky condition of Austrian finances was a matter of common knowledge. In view of the known inability of the Government to raise money for works of public utility,¹ the opinion gained ground that the *bona fides* of the promise of material reform was more than doubtful, and that the real object in view was the postponement of the discussion of Hungary's grievances and of the remodelling of the Constitution on democratic lines for which the country was now ripe. The suspicion was justifiably entertained that the chief aim of Austria was to throw the burden of part of its public debt on Hungary, and that in the event of all classes consenting to bear their share of taxation the

wholesale bribery, and Deák had made the acceptance of the principle a condition precedent to his acceptance of election.—Beöthy, *o.c.* ii. 253; Kónyi, *Deák Ferencz Beszédei*, ii.

¹ For example, Kübeck, the Finance Minister, pressed by Széchenyi for a loan of only a million florins for the regulation of the Tisza, avowed his inability to find the money.

proceeds would be utilised to bolster up the Austrian financial system rather than for the benefit of the Hungarian tax-payer. Now that the principle of the equal distribution of the burden of taxation had come within the range of practical politics, it was more than ever necessary that the nation's finances should be directed by a responsible Minister invested with control, not only of the sources of revenue, but also of its application. A refusal to bear that burden was to be found in the "instructions" of only three or four counties, and the practical unanimity with which ideas were accepted which, but a few years ago, were to be found in the programmes of only the most radical constituencies, proved that the intelligent section of the community was in practical agreement on questions of principle, though a considerable divergence of opinion still existed as to the method in which the desired reforms should be effectuated. The instructions of the metropolitan county of Pest demanded the recognition of Hungary's right to make its voice heard on questions of foreign policy; the revision of the tariff system; the introduction of a new criminal code and of trial by jury; the annual convocation of the Diet at Pest, the natural centre of national life; a wide extension of the franchise; reunion with Transylvania; the emancipation of the Jews, and the abolition of the nobles' exemption from taxation.¹ To not one of these demands, which

¹ Stephen Bezerédj, who had already set an example of being the first to make a contract with his tenants for the redemption of feudal dues, voluntarily paid his share of the cost of local government in his county. Over two hundred nobles did the same in Deák's old constituency, Zala, and sixty followed suit in Csongrád.—Horváth, *Huszoni év*, ii. 362; Kónyi, *Deák Ferencz Beszédei*. Széchenyi objected to this as premature, and for fear that it would excite the opposition of the larger landowners. For the same reason he opposed Kossuth's scheme of land purchase. Kossuth saw the necessity of the complete emancipation of the peasants and of indemnifying the landlords, and believed that if the nobles' exemption from taxation were abolished there would be no difficulty in providing interest and sinking-fund on a loan of sufficient magnitude for the purpose. Wesselényi's idea was that the peasants should

may be taken as fairly representative of the desires of the nation, was the Government likely to yield without a struggle.

During the last session of the Diet, the Opposition had always been sure of a majority of ten to twenty-five votes on any important question, but owing to the action of the Administrators, and to the system of bribery and corruption now rampant in many constituencies, it was evident that it would be impossible to prophesy with certainty the fate of any motion in the Lower House. The Opposition, therefore, felt that it would be fighting with its back to the wall, and that it must strain every effort to prevent the country from being hypnotised by the hope of material progress under the aegis of Austria, for the reason that the loss of the present opportunity of converting the semblance of independence into a reality meant the postponement to an indefinite period of the realisation of their hopes. Széchenyi and the Conservatives were still inclined to mumble spells over a disease that needed the knife, and but for Kossuth the most burning questions of constitutional reform might have waited for years for a satisfactory solution. The Government moved heaven and earth to prevent the election of Kossuth, and Széchenyi gave up his seat in the Upper Chamber in order to oppose him in the Lower House, seeing, as he thought, the opportunity of forming a united party of his own by the exclusion of both Conservative and Radical extremists, and so of destroying the preponderating influence of his great antagonist, the continuance of which would, in his opinion, infallibly lead the country to destruction. Everything pointed to the probability of a stormy session, a probability increased by the recent death of the Palatine, the Archduke Joseph, who, throughout his fifty years' tenure of office, had never forgotten

relinquish part of their holdings to their landlords, and should hold the balance in fee simple, free of all dues.

the fact that, though he was the representative of the authority of the Crown, he was, at the same time, the representative of the principle of Hungarian independence. His experience and his popularity had enabled him to exercise a moderating influence on the acrimony of party politics which unfortunately showed signs of reaching its acutest stage at the very moment of his inopportune disappearance from the scene.

Ferdinand opened the Diet in person, in November 1847, and for the first time since the early years of the sixteenth century the representatives of the nation heard their King address them in their own language. The programme outlined by the Speech from the Throne comprised, *inter alia*, proposals for legislation on the subjects of the reform of municipal government, and of urban representation at the Diet; recommended the abolition of the *corvée*, and suggested that steps should be taken with a view to the regulation of the commercial relations of Hungary and Austria, in a manner conformable to the interests of both countries—in his Majesty's opinion best to be served by the abolition of the customs barrier. The Speech was well received, not only for the reason that it was couched in the Hungarian language, but because the proposals it contained, and the manner in which they were expressed, were thought to indicate the abandonment of the old ideals of germanisation and centralisation, and to amount to a recognition of Hungary's legally indisputable right to manage its own affairs without the intervention of the Viennese bureaucracy. Paul Somssics, the leader of the Conservative party, moved an address thanking the King for his Speech, and for the proposals it contained, which "so happily correspond with the most ardent desires of the people," and proposed that instead of the usual discussion and presentment of the country's grievances, of the list of the Government's sins of omission and commission, all matters connected with the infringement of

the country's constitutional rights should be referred to a special commission. Such an attempt to burke public inquiry and discussion was not to pass unchallenged. Kossuth declared that the great wish of the Diet was not to remedy grievances after their infliction but to prevent their occurrence. He attacked the whole system of government as deliberately intended to deprive Hungary of the independence which the law of 1790, confirmed by successive kings, had unreservedly acknowledged, and pointed out, "as a member of His Majesty's most faithful Opposition who allows no one to surpass him in loyalty to the Throne," but distinguishes the King from the King's Government, that it was not the first time that legislative propositions of an encouraging nature had been laid before the Diet with little or no result save that of shelving the discussion of the nation's grievances, and of postponing the adoption of remedial measures. He enumerated in turn the chief grounds of complaint, laying especial stress on the Government's continued neglect of the Diet's demand for the re-incorporation in Hungary of certain districts of Transylvania,¹ and on the illegality

¹ The Transylvanian Diet of 1837 did not accept Wesselényi's ideas on the subject of reunion, as the landlords feared that emancipation of the peasants would follow as well as abolition of the nobles' exemption from taxation. Wesselényi also had to contend against the opposition of the official class which feared the loss of remunerative occupation under the Austrian Government, also of the Saxons who were desirous of incorporation in a Greater Germany under Austrian hegemony. The numerical preponderance, on the other hand, of the Roumanians convinced the Magyar population that the emancipation of the peasants would be fatal to their interests unless the protection which would be afforded by reunion with the mother-country were previously obtained. In 1847 the Diet of Transylvania, reactionary in other respects, was prepared to enter into negotiations for reunion. Certain districts and counties had been ceded to the princes of Transylvania by various treaties between 1583 and 1645. In 1687 Transylvania again came into the possession of the Sacred Crown, and the said districts and counties were declared, by a law of 1693, to be integral parts of the Kingdom of Hungary. In 1731 King Charles improperly caused three counties and one district to be incorporated in Transylvania in spite of the protest of the Council of Lieutenancy. The Diet of 1741 also protested and passed an Act, which received the royal assent, providing for their re-incorporation; but the Act remained a dead

of the recent appointment of Administrators ; insisted that the Address should specifically allude to each unremedied grievance, and, as a guarantee against repetition of unconstitutional action, should demand the annual convocation of the Diet at Pest. The Address, as moved by Kossuth, was carried by a narrow majority (the representatives of twenty-six counties voting for the motion, and of twenty-two against it), but was rejected by the Upper House, which adopted the view that the Address should be limited to an expression of thanks to His Majesty, and should contain no reference to grievances, or that, if the Lower House insisted on alluding to them, it should do so only in general terms. Rather than submit to the emasculation of the Address, Kossuth proposed that it should be dropped altogether, and after a long and stormy debate his motion was carried. For the first time in history no reply was sent to the Speech from the Throne.

The new Palatine, the Archduke Stephen, elected by the Diet out of gratitude for the services of his father, threw all his influence into the scale in favour of Széchenyi, whom he considered to be the only person capable of acting as a counterpoise to Kossuth and of inducing the Diet to abandon its insistence on the removal of its constitutional grievances. Signs of the formation of a "cave" in the Opposition were not wanting. Kossuth wished to be as omnipotent in the Diet as he had been in the journalistic world, loved popularity, and wished to monopolise the applause of the country. The result was that a section of his party, the inferior talents, was inclined to

letter in spite of the remonstrances of the Diets of 1751 and 1764, and of a fresh Law (xi. of 1792). Representations were again and again repeated, and a third Act was passed in 1836 (xxi.) and received the royal assent. Still nothing was done, and the Diet again renewed its request, but in vain. The explanation of the Government's barefaced illegalities is to be found in the fact that it feared that the re-incorporation of Transylvania would strengthen Hungary.

revolt, and so caused the Palatine to believe that a conciliatory pronouncement on the part of the King with respect to the appointment of the Administrators would go far towards destroying the supremacy of Kossuth, and bridging the gulf fixed between the Government and the Progressives. He therefore induced the King to issue a rescript to the effect that the appointment of Administrators was intended only as a temporary measure, that no more would be nominated "except in exceptional circumstances, and that there never had been any intention of interfering with the rights of the counties." The "misunderstanding," to quote the words of the rescript, "was all the more painful to His Majesty's paternal heart, as from the very first moment of his reign he had given so many proofs of his unconquerable determination to maintain inviolate the ancient Constitution, and its firm foundation—the organisation of the counties, and to observe the laws of the country, more especially the fundamental statute of 1790." But the rescript satisfied neither the Conservatives, who discerned in it an unwelcome indication of weakness on the part of the Government, nor the Progressives, who looked upon it as amounting to a mere empty promise, made only to be broken, like similar undertakings which successive kings had given when desirous that the Diet should drop the discussion of its grievances and be humbugged into a temporary belief in the Crown's attachment to constitutional principles. An Address of thanks to the King for his gracious rescript, and the rejection of Kossuth's counter-proposition demanding the prompt dismissal of the Administrators and the reinstatement of the Lord-Lieutenant was carried, thanks to the Croatian vote and to the fact that several members disobeyed the instructions of their constituencies which insisted on the abolition of the Government's illegal innovation. The result was received with howls of disapproval from the youthful occupants of the

gallery ; disorder spread to the floor of the Chamber, and the House adjourned without any declaration from the Chair as to the fate of either the motion or the amendment.

The Government would have liked to dissolve the Diet without delay, but in view of the inflamed state of public opinion in Hungary, and of the uncertainty of the general European outlook, feared to take any step which might conceivably fan into flame the smouldering discontent. Consciousness of its own inherent weakness led it to overestimate the amount of explosive energy with which Hungary was charged. On February 25, at a conference of the Opposition, the question was debated whether the time had not come for the presentation of an Address to the King requesting the grant of a Constitution to the hereditary provinces, Kossuth being firmly convinced that one of the chief sources of Hungary's troubles was to be found in the fact that his country was united in a "mixed marriage" with another, which had no experience, and consequently no idea of the meaning of constitutional parliamentary government, and therefore not only was unable to understand, but viewed with actual hostility, Hungary's manifestation of attachment to its historic rights. Kossuth and his followers were outvoted—a proof positive of the fact that at that date the Opposition, in spite of its ardent desire for reform, was determined to proceed with caution and had no idea of committing itself to a revolutionary policy the outcome of which it would be impossible to foresee. Kossuth alone seems to have been convinced that the hour had come for Hungary to put an end to an intolerable situation, and to establish its independence of a Government "by whose unconstitutional acts the legislative, the executive, and the judicial powers of the State have been utterly degraded. If such acts," he cried, "can be endured any longer, and at a moment when despotism trembles

before the renascent spirit of liberty, and nations benumbed and decrepit show signs of their pristine vitality, then indeed shall I despair of my country."¹ But not even Kossuth contemplated the possibility of a recourse to active revolutionary methods. No doubt he was determined that the near future should see the end of Austrian interference in Hungary's internal affairs, and the establishment of a responsible Ministry at Pest, but he relied for the attainment of his object on constitutional weapons and on the rottenness of the foundations of Austrian autocracy, which required no more than the rumble of a distant earthquake to bring the whole structure clattering about Metternich's ears.

¹ Speech on the question of the reincorporation of part of Transylvania, January 14.

END OF VOL. I

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